Dingman Township

Pike County, Pennsylvania

Zoning Ordinance

AS AMENDED THROUGH: May 7th, 2024

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DINGMAN TOWNSHIP ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS

- Section 101 - Title and Short Title
- Section 102 - Purpose
- Section 103 - Community Development Objectives
- Section 104 - Interpretation
- Section 105 - Uses Not Provided For
- Section 106 - Effective Date

ARTICLE II - DEFINITIONS

ARTICLE III - DISTRICT REGULATIONS

- Section 301 - Classes of Districts
- Section 302 - Zoning Map
- Section 303 - District Boundaries
- Section 304 - District Regulations - Generally
- Section 305 - Use Regulations

ZONING USE CHART

- NC Neighborhood Commercial District
- CP Conservation and Park Districts
- R-1-A Low-Density Residential District and R-1 Low-Density Residential District
- RU Rural District
- ND - 2 Limited Neighborhood Development District
- FP Floodplain District
- Section 306 - Development Standards
- Schedule of Development Regulations
- Section 307 - Floodplain Development

ARTICLE IV - SUPPLEMENTAL REGULATIONS

- Section 401 - Home Occupations
- Section 402 - Accessory Uses or Structures
- Section 403 - Special Lot Provisions

Section 404 - Conditional Use and Special Exceptions
Section 405- Cluster Development / Conservation Subdivision
Section 406 - Manufactured Housing Parks
Section 407 - Manufactured Housing Units Used as Single-Family Dwellings
Section 408 - Junk Yards
Section 409 Commercial, Manufacturing, and Other Non-Residential Uses
Section 410 - Non-Conforming Uses and Structures
Section 411 - Commercial Development in Recreational Vehicle Area
Section 412 - Keeping of Animals
Section 413 - Large Hotels, Motels, Inns, and Resorts
Section 414 - Natural Resource Uses
Section 415 - Multi-Family Dwelling
Section 416 - Bus Shelters
Section 417 - Shopping Centers and Malls
Section 418 - Reserved
Section 419 - Traffic Study
Section 420 - Flea Markets and Garage Sales
Section 421 - Model Homes
Section 422 - Public and Commercial Boating Access Areas and Boat Liveries
Section 423 - Commercial Uses in the CP - Conservation and Parks District
Section 424 - Bed and Breakfast Establishments
Section 425 - Prohibited Uses
Section 426 - Residential Subdivision Facilities and Amenities
Section 427 - Timber Harvesting
Section 428 - Communications Towers and Antennas
Section 429 - Public Parks and Playgrounds
Section 430- Inns
Section 431 - Self-Storage Facilities
Section 432- Adult-Oriented Businesses
Section 433 - Body Piercing, Tattoo, and Fortune Telling Businesses.
Section 434 - Low Impact Retail and Service Establishments
Section 436 – Day Care Uses
Section 437 - Recreational Vehicles, Recreational Vehicle Parks, and Campgrounds
Section 438 - Zoning Permits for Transient Use of Residential Property for Remuneration
Section 439 - Camp Use
Section 440 - Solar Farms and Solar Power Plants.

ARTICLE V - SIGNS

Section 501 - Erection and Maintenance of Signs
Section 502 - Signs in Residential Districts
Section 503 - Signs in Rural and Limited Neighborhood Development Districts

Section 504 - Signs in Conservation and Parks Districts
Section 505 - Signs in Neighborhood Commercial and Resort Commercial Districts
Section 506 - General Regulations for all Signs
Section 507 - Lighting and Electronic Messaging
Section 508 - Semi-Public, Historic and Natural Feature Identification Signs
Section 509 - Off-site Advertising
Sectión 510 - Temporary Signs
Section 511 - Multi-Family Dwelling Signs
512 - Private Community Development Signs
Section 513 - Attraction Signs
Section 514 - Public Interest, Political and Religious Signs
Section 515 – Day Care Facilities Uses and Minor Day Care Uses

ARTICLE VI OFF-STREET PARKING, LOADING, AND UNLOADING REQUIREMENTS

Section 601 - General Regulations
Section 602 - Parking Facilities Required
Section 603 - Loading and Unloading Space
Section 604 - Access to Off-Street Parking and Loading Areas
Section 605 - Parking and Loading Area Setbacks

ARTICLE VII ADMINISTRATION

Section 701 - Zoning Officer
Section 702 - Permits
Section 703 Fees
Section 704 - Inspection
Section 705 - Certificate of Use
Section 706 - Violations
707 - Penalties and Remedies
Section 708 - Zoning Hearing Board
Section 709 - Appeals
Section 710 - Variances
Section 711 - Amendments
Section 712 - Validity

ARTICLE VIII ENACTMENT

Keeping of Animals
Ordinance #41

ARTICLE I - GENERAL PROVISIONS

Section 101 - Title and Short Title

An Ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; the density of population; off-street parking and signs in Dingman Township, Pike County, Pennsylvania. This Ordinance shall be known as, and may be cited as, the Dingman Township Zoning Ordinance.

Section 102 - Purpose

This Ordinance is created for the purposes of promoting and protecting the public health, safety, morals and general welfare; coordinated and practical community development; proper density of population; adequate light and air; necessary police protection, vehicle parking, and loading space, transportation, water, sewerage, schools, public grounds and other public requirements as well as preventing overcrowding of land, blight, traffic congestion, and hazards, loss of health, life or property from fire, flood, panic or other dangers.

Section 103 - Community Development Objectives

This Ordinance is adopted to implement the Dingman Township Comprehensive Plan. It is in general conformance with the elements of the Comprehensive Plan and is designed:

1. To achieve the best use of the land within the Township, ensuring that varying land uses will complement one another and thus improve the economic and aesthetic character of the community.

2. To establish realistic population densities to ensure adequate circulation, health standards, privacy, and open space, and to provide utilities, protection, services, and facilities in the most convenient and efficient manner.

3. To improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.

4. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air, and noise pollution.

5. To encourage and promote the provisions of a wide-range and variety of housing types to meet the needs of all Township residents, newly-formed households, growing families, and senior citizens.

6. To strive for coordination of policies, plans, and programs in the Township and region through cooperation among governing officials and special interest groups in both the public and private sectors.

7. To expand and activate a continuing planning program that will serve to continually update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and conditions.

Section 104 - Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Municipality.

Section 105 - Uses Not Provided For

Whenever in any District established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by the property owner to the Zoning Officer for such use, the application shall be referred to the Zoning Hearing Board, which shall have the authority to permit the use, or deny the use as a Special Exception. The use may be permitted if it is similar to and compatible with permitted uses (uses listed as permitted, conditional uses, or special exceptions) in the district and in no way in conflict with the general purpose and intent of this Ordinance, and the use is not permitted in any other district. The Zoning Hearing Board may attach reasonable conditions to the issuance of a permit incorporating existing standards from similar uses in the district and such other restrictions as the Board may deem appropriate.

Section 106 - Effective Date

This Ordinance shall take effect on the 2nd day of April, 1979.

ARTICLE II - DEFINITIONS

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

Accessory Building - A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Accessory Use - A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Adult Oriented Business - Use of a building, structure, or property, or part thereof, for a business that has adult materials in a section or segment devoted to such materials or a substantial or significant portion of its stock in trade for the purposes of sale, lease, trade, gift, or display of such adult materials. For the purposes of this law adult oriented businesses shall also mean and include any massage parlor, nightclub, bar, tavern, restaurant, eating and drinking establishment, arcade, theater, motel, hotel, or any other establishment that regularly features, for economic gain or other consideration, entertainment in any form that is characterized by nudity or depiction or display of sexual activities.

Adult Materials - Adult materials shall include but not be limited to any literature, books, magazines, pamphlets, newspapers, papers, comic books, drawings, articles, computer or other images, motion pictures, mechanical devices, instruments, clothing or other writings, materials or accessories that are distinguished or characterized by their emphasis on matter depicted, described or related to "specified sexual acts" or "specified anatomical areas" as defined herein, or an establishment with a segment or section exclusively devoted to the sale, lease, gift, trade, display of such materials or of any drug paraphernalia.

Age-Restricted Housing - A multi-family dwelling in which every dwelling unit, except for one unit occupied by the property manager, is permanently restricted by affirmative covenant or restriction or lease, so every occupant shall be 62 years or older or physically disabled as defined in the Social Security Disability regulations. The Code Enforcement Officer may require affirmative evidence that these requirements are met.

Agricultural Products Processing - An industry that involves the processing of raw agricultural products and transforming those products into a more refined, prepared, or marketable state. Includes, but is not limited to, such uses as sawmills, dairies, and food canning and freezing operations. (For the purposes of this Ordinance, "agricultural products processing" shall be considered "light manufacturing".) Agricultural Use - The use of any parcel of land containing ten (10) or more acres for economic gain in the raising of agricultural products, livestock, poultry, and/or dairy products. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels; agricultural products processing; and the disposal or use of sludge, septage or similar waste products, which is not an integral part of the agricultural use.

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

Ancillary Services or Facilities - Services, facilities or retail sales as part of a primary approved use, the said services, facilities or retail sales intended solely for the patrons of the primary approved use; and without any advertising by location, signs or other means for business patrons other than those associated with the primary use (such as, by way of example only, sales of incidental food items and supplies to patrons camping at approved campground).

Animal Hospital - A place where animals or pets are given medical or surgical treatment, and the keeping of animals in kennels is conducted on a short-term basis or is incidental (less than half the floor area) to the clinical operation.

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

Apartment Building - A building containing three or more dwelling units, excepting townhouses.

Apartment Conversions - Conversions of buildings in existence as of January 1, 2012, to multi-family use, provided that the building is served by public (licensed PUC or Municipal Authority) water supply. If the building subject to conversion is at the time of application, approved for commercial use, the objective standards in Sections 415.3, 415.4, 415.7, and 415.10 shall not apply. The Zoning Hearing Board shall have jurisdiction over the entire application, and issues normally presented to the governing body for conditional use approval shall be presented to the Zoning Hearing Board.

Bank - An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

Bed and Breakfast - A residential use consisting of one dwelling unit with no more than five (5) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may be prepared for the guests by the proprietor, and no other meals are provided by the proprietor. The dwelling shall be the primary residence of the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

Boat Access Area - A public or private property used as an area of entry to a stream or other body of water for the purpose of launching or landing of watercraft and which may be operated as a private business. The access area may also include ancillary services or facilities such as base operations for watercraft rentals. This definition shall not include private accesses not open to the public, accesses which are ancillary to another primary approved use (such as, by way of example only, a boat launch area on a lake used solely as part of a summer camp), or

access areas operated by a bona fide, non-profit property owners association or similar organization for the use of members.

Boat Livery - A business or facility for the leasing or renting of any type of watercraft or waterborne vessel for outdoor water-based recreation. This definition shall not include access areas operated by a bona fide, non-profit property owners association or similar organization for the use of members.

Body Piercing Business - Use of a building, structure, or property, or part thereof, for a business that involves the physical piercing of human body parts, for other than medical purposes, to make a mark or scar or otherwise perforate the skin for the purpose of placing jewelry in such perforations. However, establishments and individuals involved in the piercing of earlobes only shall not be included in this definition.

Buffer - A part of a required setback area (yard) which is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust, and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms, or a combination thereof; and, in general, widths of buffers are increased as density or opaqueness of the barrier decreases.

Building - A "building" is any structure which: is permanently affixed to the land, has one or more floors or stories, and is bounded by either lot lines or yards. A building shall not include such structures as billboards, fences, or structures with interior surfaces not normally accessible to human use, such as gas tanks, grain elevators, coal bunkers, or similar structures. A building may accommodate more than one family and have more than one dwelling unit, and may be used for residential, commercial, or manufacturing purposes.

Building Height - The vertical distance measured from the average of the ground levels at the front and rear of a building to the highest point of the roof, not including chimneys, spires, water tanks, and similar projections.

Building Setback Line - The line within a property defining the required minimum distance between any structure and the adjacent right-of-way line. 3

Bus - Any motor-driven vehicle used to carry passengers and normally operating to a schedule along a fixed route.

Bus Shelter - A small, roofed structure, having from one to three walls, located near a street, and designed for the protection and convenience of bus passengers.
Business Office - A building used primarily for conducting the affairs of a business, service, industry, or government, or like activity.

Camp - A private land development that may include campsites and permanent buildings -such as camp cabins, camp dormitories, indoor recreational facilities, dining hall, community hall, offices, and storage for maintenance and recreational equipment, and includes water and sewage facilities; and may include outdoor recreational facilities - such as ball fields, tennis

courts, basketball courts, and trails. The camp may include overnight stays, and the organization shall have a recreational, educational, religious, or environmental mission. Each camper's residency is restricted to a period of no more than 90 calendar days annually. 'Camp' shall not include hunting and fishing cabins and recreational vehicle campsites, but may include recreational land developments.

Camp Cabin - A structure specifically designed for campers, for the purpose of providing quarters for sleeping purposes, that is 400 square feet or less, and which may have direct connections to utilities.

Camp Dormitory - A structure specifically designed for campers, for the purpose of providing rooms for sleeping purposes. One common kitchen, common bathrooms, and some common gathering space for social purposes may also be provided.

Campground - A place where one or more tents, recreational vehicles, or buildings are used or rented for use as temporary living quarters for recreational purposes. Such use of tents, recreational vehicles, or buildings, when not located in a permitted campground or permitted recreational vehicle park, shall be prohibited, provided, however, that tents or recreational vehicles or recreational buildings may be used as temporary living quarters for recreational purposes if occupied by the residents, or their non-adult children, of a dwelling unit on that same property.

Car Wash - Any building or premises or portions thereof used for washing automobiles, trucks, or other vehicles for commercial purposes.

Cemetery - A place for burying the dead; a graveyard.

Central Sewage System - A system of piping, pumps, and other components that collects and conveys sewage waste to a sewage treatment plant for processing before its ultimate disposal into the ground or the waters of the Commonwealth. All sewage treatment plants require operation by an individual licensed by the Pennsylvania Department of Environmental Protection.

Chicken - A member of the species Gallus domesticus

Chicken Coop - A structure designed to house and provide nesting areas for chickens.
Chicken Pen - An area surrounding the chicken coop that is enclosed by fencing designed to allow chickens freedom of movement in an outdoor area.

Church - A building used for public worship.

Clubhouse or Lodge - An establishment operated for social, athletic, recreational or educational purposes but open only to members and not open to the general public.

Cluster Development - A form of development for single-family residential development that permits a reduction in lot area and certain development standards, provided unit densities

permitted under a conventional submission are maintained, and the resultant land area is devoted to common open space.

Commercial Flea Market - see "Flea Market."

Commercial Recreation - privately owned or operated amusement and entertainment attractions operated for profit on a commercial basis, including petting zoos, arcades, driving ranges, fun parks, golf courses, riding stables, ski areas, theaters, and similar attractions, but not including campgrounds and recreational land developments or other uses provided for separately under this ordinance.

Communications Tower - A structure that is intended to support equipment used to transmit and/or receive communications signals. Examples of such structures include monopoles and lattice construction steel structures.

Community On - Lot Disposal System - A system of piping, pumps, and other components that collects and conveys sewage waste from two or more properties or structures for treatment before its ultimate disposal into the ground by way of an on-lot sewage disposal system that is permitted under Chapter 73 of the Pennsylvania Department of Environmental Protection regulations.

Comprehensive Plan - The Dingman Township Comprehensive Plan, including all maps and charts attached thereto.

Conditional Use - A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Municipal Governing Body after recommendations by the Planning Agency.

Congregate Housing - A type of age-restricted housing in which residents are offered certain support services, such as a common dining area, housekeeping services, an on-call nurse, a room for activities and/or similar services, but which does not include skilled nursing home care.
Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Convenience Store - a store of less than 5,000 square feet in size where food and other retail goods are offered in conjunction with gasoline sales, where permitted, or a car wash as a single operation.

Day Camp/Vacation School - A program of care and instruction; ancillary to a camp or to an existing use (such as a school, place of worship, club, etc.), and may also include off-site field trips. The program shall be limited to no more than eight (8) hours a day and limited to school vacation periods, and further limited to no more than four (4) weeks per summer and no more than six (6) weeks in a calendar year. The occupancy limits of the existing building/zoning

permits shall remain in force and shall not be exceeded by an ancillary day camp/vacation school use.

Day Care Facility - an establishment where seven (7) or more children or infirm adults are provided care for a portion of the day for compensation or other consideration.

Density - A measure of the number of dwelling units and/or uses which occupy, or may occupy, an area of land.

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

Directional Sign - A sign of not more than 6 square feet in sign area per face and not more than 4 faces that directs pedestrian and vehicular traffic at internal driveway intersections and aisles.

Distributed Antenna System - A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. A distributed antenna system may also be known as DAS or Small Cell Tower.

Distributed Antenna System Pole - A pole or other structure designed and permitted for the sole purpose of supporting the antenna(s) of a Distributed Antenna System.

Domestic Poultry - Any species of domesticated fowl, including, but not limited to, chickens, turkeys, ducks, geese, guinea fowl, and pea fowl.

Drive-In Business - A business establishment, building or structure where service is provided to a customer remaining in an automobile and where all or a significant portion of the consumption takes place or is designed to take place on-site but outside the confines of the building or structure.

Drive-Through Business - A business establishment, building or structure where service is provided to the customer from an automobile service window or device with access provided by a drive-through lane incorporated into the site design.

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

Dwelling, Multi-Family - a building designed for occupancy of families living independently of each other, and containing three (3) or more dwelling units per building. Multi-family dwelling structures shall include townhouses, garden apartments, and other apartment housing types, including residential conversions.

Dwelling, Single Family - a detached building designed or occupied exclusively by one family and having two side yards, erected on a permanent foundation, with/without a basement, and equipped for year-round occupancy.

Dwelling, Two-Family - a structure containing two dwelling units.

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

Essential Services - the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for public health or safety or general welfare, but not including buildings. Notwithstanding this limitation, telephone booths, pump stations, and similar facilities shall also be considered as essential service facilities.

Family - A group of individuals, not to exceed five unrelated persons, living together as a single, permanent, and stable nonprofit housekeeping unit, using all rooms in the dwelling and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together, with sharing of food, rent, utilities, or other household expenses.

Flea Market - A sale of items of tangible personal property wherein, on one (1) location, there are multiple vendors occupying spaces allotted to each such vendor for the purpose of displaying and selling items of tangible personal property.

Floor Area - The floor surface area within the inside perimeter of the exterior walls of the building, including all floors and surface areas, exclusive of courts, without deduction for corridors, stairways, closets, interior walls, columns, garage space, basements, storage areas, mechanical spaces, or other similar features.
Floor Area Ratio - The gross floor area all buildings on a lot divided by the lot area.

Food Establishment - An establishment where food and/or drink is prepared, served, and consumed primarily within the principal building.

Forest Technician - A person with a minimum of a two-year college-level degree in the subject of forestry, or arboriculture related to the management of "urban forests", or other similar forest management course of study, and who has a minimum of two years of experience actively working in the field of forest management.

Fortune Telling Business - Use of a building, structure, or property, or part thereof, by fortune tellers, clairvoyants, spirit mediums, astrologists, palmists, and similar persons engaging in unlicensed consultation practices for largely entertainment purposes.

Garage, Private - An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

Garage Sale - Includes but shall not be limited to lawn sales, attic sales, rummage sales, and any similar casual sale of tangible personal property owned by person(s) which takes place on lands owned by said person holding the sale and which is advertised by any means whereby the public at large is or can be made aware of said sale. This section shall not apply to the sale of all or substantially all of the contents of a home through an estate sale or similar sale or to the close-out sale of a business.

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

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

Greenhouse, Commercial – an enclosed structure of a permanent or temporary nature within which is conducted a commercial agricultural operation, generally the propagation of one or more horticultural species from seeds or cuttings to a stage fit for transplanting elsewhere or sale, including retail as well as wholesale operations.

Greenhouse, Private - A detached accessory structure or a structure attached to a principal structure or other accessory structure, that is typically constructed of metal or wood framework, and covered with glass or plastic, for private use.
Gross Floor Area - The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include uninhabitable or unfinished space.

Hazardous Materials - Any material or combination of materials that due to ignitability, corrositivity, reactivity or toxicity poses a substantial danger, now or in the future, to human, plant, or animal life, and which, therefore, cannot be handled or disposed of without special precautions including, but not limited to materials defined as hazardous by the United States Environmental Protection Agency.

Health Care Facility - any land use or facility that is devoted to human health care and maintenance, including a medical clinic, whether offered in a residential setting or as day treatment.

Home Gardening - The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

Home Occupation - Any use customarily conducted, to the extent that commercial activity is conducted on a home site, entirely within a dwelling or in a building accessory thereto providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

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

Hotel or Motel - A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or in any accessory building.

Hunting and Fishing Cabin - A building typically located on or in association with a large tract of land and which is used sporadically for shelter during hunting and fishing outings.

Intensive Livestock Operation - The fattening or raising of beef cattle, hogs, poultry, or other animals for the purposes of obtaining meat, eggs, or wool for marketing. Any livestock operation that involves the keeping of more than 100 beef cattle, 100 hogs, 100 sheep, or 5000 poultry shall be considered intensive.

Inn - A building which contains a minimum of four (4) and a maximum of fourteen (14) bedrooms, each containing private bathroom facilities, used for providing overnight accommodations to the public. An Inn may include a kitchen and dining room for the purpose of providing meals to guests and to the general public. The operator must reside at the premises, and the predominant atmosphere of the building and its grounds shall be residential and shall conform to the character of the surrounding neighborhood.

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

Kennel - The keeping of four (4) or more dogs that are more than six (6) months of age or an establishment for the boarding or commercial breeding of dogs, cats, and/or other household pets.

Large Hotels, Motels, Inns, and Resorts - A building or series of buildings under one ownership containing not fewer than one hundred (100) sleeping units each containing private bathroom facilities and each held and available for the lodging of tourists or convention guests. (See Section 413 of this Zoning Ordinance.)

Light Manufacturing - Industries involving generally unobtrusive processes. These would include research, engineering, or testing laboratories, assembly from components, fabrication of models, textiles and clothing manufacturing, warehousing, distribution centers, wood products industries, etc.

Lot - Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area - The area contained within the property lines of the individual parcels of land contained on a map or plan, excluding any area within an interior private road, subdivision right-of-way, or public road or highway, but including the area of any easement designed for any other purpose.

Lot Coverage - That portion or percentage of the lot area which is covered by buildings, parking areas, driveways, or other impervious surfaces. For purposes of this definition, all parking areas, driveways, or similar installations will be considered to be impervious regardless of the material used to construct them.

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

Low Impact Retail and Service Establishment - a retail or service establishment primarily intended to serve local area residents rather than the traveling public, having no more than 5,000 square feet of gross floor area, generating no more than 500 trip ends per day of traffic on a State highway (or 300 trip ends per day on a Township highway) as determined using the latest Institute of Transportation Engineers data, employing no more than five (5) on-site employees per shift and operating no more than fourteen (14) hours per day.

Manufactured and Modular Housing - Any housing or portion of a house which is manufactured off-site and is exempt from the Dingman Township Building Code, and is pursuant to State and/or Federal Regulations. All other structures shall be considered "stick-built."

Manufactured Housing Park - A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for nontransient use. Manufactured Housing Parks are commonly referred to as Mobile Home Parks.

Manufactured Housing Unit - A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. This shall include double-wide trailers but exclude homes of modular construction not designed to be moved after erection. Manufactured Housing Units are commonly referred to as Mobile Homes.

Massage Parlor - A facility offering massage services, not including those offered by Commonwealth of Pennsylvania licensed chiropractic or medical service providers or other providers credentialed by licensed Pennsylvania health care institutions. A massage parlor shall not include any facility offering services illegal under Pennsylvania law.

Master Signage Plan - A plan submitted by the owner or owners of multiple properties or uses, under conditional use procedures, to allow pre-approval of all future signage on such properties. A master signage plan shall specify the materials, location, dimensions, type, design, and number of all signs to be erected on the property now or in the future. Such plans shall be prepared by a landscape architect, architect, sign designer, engineer, or other qualified professional. These plans shall be adopted by the property owners, who shall agree that all signs to be constructed by them or any of their tenants or occupants now or in the future shall comply with the standards therein.

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

Minor Day Care Uses - a use secondary to a single-family residence use or commercial business use, enrolling fewer than seven (7) children or infirm adults for a portion of the day in a supervised program where tuition, fees, or other compensation or consideration is charged for the care of these individuals.

Minor Natural Resource Use - Natural Resource Uses of the following size and scale shall be considered minor, and the setback requirements shall be the same as for a single-family dwelling. A natural resource use with an open face of twenty-five thousand (25,000) square feet or less and which will not result in a total disturbed area of forty-three thousand five hundred sixty (43,560) square feet over the life of the site, and which does not involve the on-site use of any processing or manufacturing equipment. The percentage of the lot that can be disturbed for resource removal shall be not greater than the lot coverage percentage for a single family dwelling: the lot or parcel shall be not greater than one acre; the duration the removal process shall not exceed one hundred and eighty (180) days; no other natural resource use projects can exist within 100 feet in any direction of the subject site measured from any lot line; no blasting may occur; a bond must be posted with the Township in the amount set by the Township for purposes of securing reclamation.

Model Home - A residential structure associated with a lawful commercial use and not intended for permanent occupancy and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller, including manufactured and stick-built homes.

Motor Vehicle Sales and Service - An establishment engaged in the sale, service, and/or repair of any motor vehicle as its principal use, including but not limited to sale or lease or rental of new and/or used motor vehicles, auto body shops, repair garages, truck repair garages, agricultural equipment repair, boat repair, and small engine repair.

Municipal Park or Playground – a public park or playground owned or operated by Dingman Township.

Natural Resource Use - The mining, extraction, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, ore, peat, soil, or other mineral. This definition shall not apply to the removal of materials in preparing a site for another use that is authorized by an issued zoning permit (such as, by way of example only, excavation for a foundation, removal of soil to install a driveway, or clearing of a lot for the purpose of building construction).

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.

Non-Conforming Use - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereinafter enacted, where such use was lawfully in existence before the enactment of this Ordinance or amendment to its location by reason of annexation. Such nonconforming uses include, but are not limited to, nonconforming signs and other structures.

Nudity - Nudity means the showing of the human male or female genitals, pubic area, buttocks, or anus, any part of the nipple, or any part of a female breast below a point immediately above the top of the areola with less than a full opaque covering.

Nurseries, Commercial - A commercial operation where trees and shrubs are grown for transplanting, for use as stocks for budding and grafting, or for wholesale sale, excluding garden centers or other retail sales.

Nursing Facility - Any dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

Nursing Home - A facility licensed by the Commonwealth for the housing and intermediate or fully skilled nursing care.

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

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

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

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

Open Space - An unoccupied space open to the sky on the same lot as the building.

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

Person - Any individual, partnership, firm, business, or similar entity, public or private agency, municipality, city, State, or Federal agency.

Plat - A map, plan, or layout of a subdivision indicating the location and boundaries of individual properties.

Profession - Indicates any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them; or in serving their interest or welfare in the practice of an art founded on it. The word implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

Professional Forester - A person certified as a Forester in accordance with the requirements of the Society of American Foresters (SAF).

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

Public and Semi-Public Uses - any structure or use that is owned or operated by a municipality or organization appointed by a municipal governing body or by a nonprofit organization; provided that such structure or use fulfills a community need or provides a public service; including but not limited to municipal buildings and facilities, public schools, public libraries and volunteer fire and ambulance facilities provided that such use is not otherwise defined in this ordinance.

Public Parks and Playgrounds - an area of land, owned and operated by a municipal, county, state, or federal governmental body, agency, or department, either maintained in its natural state or laid with walks, drives, playgrounds, or similar facilities for the purpose of recreation for the general public.

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

Public Recreational Facility - Outdoor or indoor areas or structures, operated by private commercial entities open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to picnic groves, animal farms, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges and the like, but excluding golf courses, theaters, public parks and playgrounds.

Recreational Vehicle - A transportable or vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use that does not require a special highway moving permit when transported, which either has its own motive of power or is mounted on or drawn by another vehicle. The types of recreation vehicles or units are:

A. Travel Trailers - A vehicular unit, mounted on wheels, designed and constructed to provide temporary living quarters for recreational, camping, or travel use, and not larger than 12 feet wide and 400 square feet in area when used for camping (in setup mode).

B. Truck Camper - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck and constructed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 square feet.

C. Motor Homes - A vehicular unit built on a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation, camping, or travel use, and not larger than 400 square feet. All such vehicles in use for camping shall have a current state license, inspection sticker, and registration, and be titled in the name of the current

owner. All such vehicles in use for camping shall have a current state license, inspection sticker, and registration, and be titled in the name of the current owner.

D. Camper Trailer - A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite, and designed to provide temporary living quarters for recreational, camping, or travel use and not larger than 400 square feet.

E. Tent - A movable shelter made of canvas or other similar material and supported by a pole or poles and designed and manufactured to provide temporary living quarters for recreational and camping use.

F. Self-Contained Unit - A unit that can operate independent of connections to external sewer, water, and electrical systems; has a toilet and holding tank for liquid waste; contains water storage facilities; and may contain a lavatory, kitchen sink, and/or both bath facilities connected to the holding tank and of a size not larger than 400 square feet.

Recreational Vehicle Pad - a designated and defined area on a recreational vehicle park lot for the placement of recreational vehicles that are intended to be moved on and off the property frequently.

Recreational Vehicle Park - The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose whether immediate or future of lease, sale or transfer of ownership, lease or sale of membership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents where the primary use is camping. Lands so subdivided shall be called "campsites" and shall be restricted as regulated by the Dingman Township Subdivision and Land Development Ordinance.

Remuneration - Compensation, money, rent, or other bargained-for consideration given in return for occupancy, possession, or use of residential real property.

Residence Connected To Other Permitted Use - a dwelling constructed within the same structure or on the same property as another Principal Permitted, Conditional, or Special Exception use, where the lot area meets the combined requirements for the dwelling and the other permitted use, and provided that the residential floor area does not exceed that of the other permitted use.

Residential Conversion - Conversion of an existing single-family detached dwelling into not more than four (4) apartment dwelling units. Residential Property or Housing Unit - Any single- or multiple-family dwelling units, duplexes, guesthouses, caretaker units, apartments, recreational vehicle or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts which allow residential uses.

Residential Subdivision Facility or Amenity - a recreational area, recreational facility, or other physical improvement established as part of a subdivision and land development plan and primarily intended to serve the residents of such subdivision and land development.

Retail Service Establishment Designed to Serve the Immediate Area - A retail store or service establishment as defined by this Ordinance, but limited to a total gross floor area of not more than one thousand five hundred (1,500) square feet.

Retail Store - An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, and which is not otherwise listed as a use in the Schedule of Uses.

Sales and Service of Equipment - the use of any building, land area, or other premise for the display and sale or lease or rental of new and used construction, farm, recreational, or other equipment, including any warranty, repair work, or other repair service.
School Bus Shelter - see "Bus Shelter".

Screen Planting - A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located. The material shall be placed immediately and be approved by the Supervisors utilizing the criteria of sections 404 and 410.

Self-Storage Facilities - Any structure designed or intended to accommodate the storage, for a fee, of personal articles of two or more people, not residing on the site. Multiple-occupant garages and warehouses for commercial entities shall not be considered self-storage facilities.

Service Establishment - An establishment engaged in providing commercial services to the general public, including but not limited to beauty, barber, and other personal service shops, dry cleaning service, or laundromat.

Services, Essential - Uses, not enclosed within a building, necessary for the preservation of the public health and safety including but not limited to the erection, construction, alteration, or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar equipment.

Shooting Facility - A commercial operation involving the discharge of firearms as a recreational activity, including, but not limited to, the hunting of animals, target shooting, trap shooting, and skeet shooting.

Shopping Center or Mall - any commercial structure and group of structures collectively involving more than 10,000 square feet of floor area on a single parcel or group of adjacent parcels developed concurrently, including those designed for occupancy by multiple retail tenants as well as large single-occupancy stores, including those offering multiple services (e.g. supermarkets, home centers, retail superstores, and warehouse clubs).

Sign - Any device for visual communication located on the outside of a building or outdoors that is used for purposes of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, or similar organization.

Special Exception - A "special exception" deals with special permission, granted only by the Zoning Hearing Board, to occupy land for specified purposes when such use is not permitted by right.

Specialty Shop - a retail and service establishment specializing in specific types of foods or other products and services, or combinations of products and services, including but not limited to bakery and coffee shop, butcher shop, delicatessen, fish store or photographic studio.
Stable, Private - A building or structure of durable construction, permanently affixed to the ground, used for the boarding, sheltering or housing of horses, but not for hire, remuneration, or sale.

Stable, Public - A building or structure (as defined above) involving the keeping of horses for hire, remuneration, or sale.

Stick-Built - Any construction which is neither manufactured housing nor modular housing as defined in this ordinance.

Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, sheds, mobile homes, and other similar items.

Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land, including transfer of ownership or building or lot development, provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings be exempted.

Substantial Improvement - A modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value.

Supermarket - A large, self-service, retail store serving a relatively large geographical area (in contrast to a "convenience store") that is designed and stocked to sell a wide variety of food, beverages, and household supplies to customers who typically purchase larger quantities of products than would be purchased at a convenience store.

Tattoo Parlor - Use of a building, structure or property, or part thereof, to offer or practice the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

Theater - A building or room, or outdoor facility, for the presentation of plays, films, or other dramatic performances, or music.

Timber Harvesting - The operation of timber tracts, tree farms, and the gathering of forest products, but excluding sawmills and other wood manufacturing businesses.

Tourist Recreational Facility - A recreational facility designed to accommodate overnight stays in permanently built dwelling units in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc., not including campgrounds, canoe rentals, access sites, etc.

Townhouse - A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof and has a yard or public way on at least two (2) sides. A combination of three (3) or more townhouses as a single building project shall be considered a multi-family dwelling project.

Tract Area (Mixed-Use Project) - The net acreage of the property intended for mixed-use project development after deducting 80% of FEMA-designated 100-year floodplain areas, 60% of all wetlands, 50% of natural slopes over 25%, and all areas contained within public road rights-of-ways and utility placement areas.

Transient - Except as provided herein, a period of time not less than seven (7) nor more than thirty (30) consecutive calendar days.

Transient Use of Residential Property - The use, by any person, of residential property or housing unit for a bed and breakfast, hostel, hotel, inn, lodging, motel, resort, recreational vehicle or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession, or tenancy is, except as provided herein, for not less than seven (7) nor more than thirty (30) consecutive calendar days.

Undertaking Establishment - A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles; but shall not include cremation facilities. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

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

Variance - The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and original intent of the ordinance.

Vehicular Leasing and Rentals - the use of any building, land area, or other premise for the storage, display, and lease or rental of any automobile, truck, van, or other vehicle, excluding manufactured homes and recreational vehicles, and not including any repair or other service activities.

Vehicular Leasing and Rentals (Minor) - Leasing of a maximum of five (5) automobiles or pickup trucks in conjunction with another automotive-related use, contractor warehouse or wholesale business, subject to Section 431.5.b and c hereof.

Warehouse, Contractor - A building used primarily for the inside storage of goods and materials used by a contractor or other goods and services provider, not including a terminal warehouse, and not excluding the incidental storage of items for resale

Warehouse, Public - A building of no more than 20,000 square feet in floor area used primarily for the inside temporary storage of goods and materials by the general public, including businesses storing goods for resale, for a fee, not including a terminal warehouse.

Warehouse, Terminal - A building of no more than 40,000 square feet in size, with direct access to Route 6, used as a distribution or terminal facility for handling freight, excluding the fueling or maintenance of vehicles other than equipment used at the site for loading and unloading.

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

Yard, Front - An open, unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear - An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into a required rear yard.

Yard, Side - An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ARTICLE III - DISTRICT REGULATIONS

Section 301 - Classes of Districts

For the purpose of this Ordinance, the Township of Dingman is hereby divided into districts which shall be designated as follows:

CP	Conservation and Parks District
RU	Rural District
R-1	Low-Density Residential District
NC	Neighborhood Commercial
ND2	Limited Neighborhood Development District
RC	Resort Commercial District
FP	Floodplain District

The intent of each District and the regulations that shall apply to each are given in the Schedule of Use Regulations, Section 305.

Section 302 - Zoning Map

The boundaries of said Districts shall be shown upon the map or maps on display at the Dingman Township Municipal Building and made a part of this Ordinance, which shall be designated the "Dingman Township Official Zoning Map". The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein. Compilations of the zoning maps may be produced by the Township for general use, but the official zoning map will control.

Section 303 - District Boundaries

District boundary lines are intended to follow or be parallel to the centerline of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deeds Office at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map. In any case of uncertainty, the Dingman Township Board of Supervisors, in consultation with the Planning Commission, shall interpret the intent of the map as to the location of District boundaries. The boundaries of the CP District will usually be the same as the boundaries of the State Forest, State Gamelands, State Park, and Delaware Water Gap National Recreation Area lands within the Township, but may include some parcels in private ownership.

Section 304 - District Regulations - Generally

District regulations are of three types: Use Regulations, Development Standards and Special Performance Standards; all of which shall apply to any proposed new use, expansion of an existing use, or change of use of land in Dingman Township.

Section 305 - Use Regulations

Use regulations and statements of intent for each District are provided in the following Schedule of Use Regulations.

ZONING USE CHART

NC Neighborhood Commercial District

District Intent	Principal Permitted Uses	Conditional Uses	Special Exception Uses	Accessory Uses
NC Neighborhood Commercial District: This district intends to provide areas for the normal development of business and service activities to serve the needs of the Township and surrounding communities, as opposed to facilities designed to serve the larger region.	Municipal Parks and Playgrounds No Impact Home-Based Businesses School Bus Shelters Timber Harvesting Transient Use of Residential Properties	Animal Hospitals (without kennel facilities) Bed & Breakfast Establishments Business & Professional Offices Churches Convenience Stores (without gas) Essential Services Home Occupations Inn (limited to less than 30 seats & 10 rooms) Low Impact Retail and Service Establishments Residences Connected to Other Permitted Uses Residential Conversions Residential Subdivision Facilities & Amenities Food Establishments (less than 30 seats) Single-Family Dwelling Solar Farms Solar Power Plants Specialty Shops Two-Family Dwellings Undertaking Establishments Minor Day Care Uses Warehouse, Contractor - (Maximum of 5,000 square feet of floor area) Vehicular Leasing and Rental	Communications Towers Multi-Family Dwellings Public & Semi-Public Uses Kennels	Ancillary Services & Facilities Antennas Mounted on Existing Buildings Private Greenhouses Private Stables Swimming Pools Tool Sheds Vehicular Leasing and Rentals (minor) Other Customary Private Residential Accessory Uses Other Customary Commercial Accessory Uses

RC Resort Commerical District

District Intent	Principal Permitted Uses	Conditional Uses	Special Exception Uses	Accessory Uses
RC Resort Commercial District: This district is designed to provide areas of more intensive commercial and resort activity on roads adequate to handle traffic for those activities.	Municipal Parks and Playgrounds No Impact Home-Based Businesses School Bus Shelters Timber Harvesting Nurseries, Commercial Transient Use of Residential Properties	Animal Hospitals Banks Bed & Breakfast Establishments Business & Professional Offices Car Washes Camps Churches Commercial Flea Markets Commercial Recreation Convenience Stores Day Care Facilities Drive-In Businesses Essential Services Food Establishments Gasoline Stations Greenhouses, Commercial Health Care Facilities Home Occupations Inns Large Hotel, Motel, Inns & Resorts Light Manufacturing Low Impact Retail and Service Establishments Model Homes Motels & Hotels Motor Vehicle Sales & Service Residences Connected to Other Permitted Uses Retail & Service Establishments Sales & Service of Equipment Self-Storage Facilities Shopping Centers & Malls Shooting Facilities Solar Farms Solar Power Plants Specialty Shops Theaters Undertaking Establishments Wholesale Businesses Mixed-Use Projects Drive-thru Businesses Minor Day Care Uses Warehouse, Contractor - (Maximum of 20,000 square feet of floor area) Warehouse, Public Warehouse, Terminal Vehicular Leasing and Rentals	Communications Towers Public & Semi-Public Uses Kennels	Ancillary Services & Facilities Antennas Mounted on Existing Buildings Private Greenhouses Private Stables Swimming Pools Tool Sheds Vehicular Leasing and Rentals (minor) Other Customary Private Residential Accessory Uses Other Customary Commercial Accessory Uses Minor addition to camp buildings that would not increase occupancy (e.g. decks, porches, small additions)

CP Conservation and Park Districts

District Intent	Principal Permitted Uses	Conditional Uses	Special Exception Uses	Accessory Uses
CP Conservation and Parks Districts: This district is intended to preserve the scenic beauty of parks and open spaces and protect special natural areas including Delaware Water Gap Recreation Area, State Gamelands, and State Forest Lands. Special performance standards are provided in this Zoning Ordinance so that private lands within the district are developed in such a manner to afford the reasonable use of such parcel and concurrently afford protection of the character of the District and the identified special natural areas	Single Family Dwellings Essential Services Hunting & Fishing Cabins Agricultural Uses Not Including Intensive Livestock Operations No Impact Home-Based Businesses Public Parks and Playgrounds Transient Use of Residential Properties Timber Harvesting	Public Recreation Facilities Tourist Recreational Facilities Home Occupations Bus Shelters Minor Natural Resource Uses Boat/Canoe Liveries Intensive Livestock Operations Public Stables Natural Resource Uses Boarding & Tourist Homes Boating Access Areas Cluster Development Commercial Nurseries Shooting Facilities Bed & Breakfast Establishments Residential Subdivision Facilities & Amenities Communications Towers Inns Golf Courses Minor Day Care Uses Camps Solar Farms Solar Power Plants	Cemeteries Clubhouses & Lodges Kennels Public & Semi-Public Uses Apartment Conversions Day Care Facility (with a minimum lot size of 2 acres)	Swimming Pools Tool Sheds Private Greenhouses Private Stables Antennas Mounted on Existing Buildings Ancillary Services or Facilities Customary Private Residential Accessory Uses Minor additions to camp buildings that would not increase occupancy (e.g. decks, porches, small additions)

R-1-A Low-Density Residential District and R-1 Low-Density Residential District

District Intent	Principal Permitted Uses	Conditional Uses	Special Exception Uses	Accessory Uses
R-1-A Low-Density Residential District and R-1 Low-Density Residential District: This district is intended to provide sufficient space for low-density residential development on lots of adequate size to safely permit the use of either public or on-site sewage disposal and water supply	Single Family Dwellings Essential Services No Impact Home-Based Businesses Churches Public Schools Public Parks and Playgrounds Timber Harvesting	Golf Courses Cemeteries Cluster Development Bus Shelters Minor Natural Resource Uses Bed & Breakfast Establishments Residential Subdivision Facilities & Amenities Minor Day Care Uses Solar Farms Solar Power Plants	Public & Semi-Public Uses Home Occupations	Swimming pools Tool Sheds Private Greenhouses Private Stables Antennas Mounted on Existing Buildings Ancillary Services or Facilities Customary Private Residential Accessory Uses Chickens - but only in the R-1-A overlay district

RU Rural District

District Intent	Principal Permitted Uses	Conditional Uses	Special Exception Uses	Accessory Uses
RU Rural District: This district is intended to provide for the maintenance of open space and the rural character of the Township while allowing flexibility in the location of certain commercial and industrial uses.	Single Family Dwellings Boarding & Tourist Homes Essential Services Commercial Nurseries Hunting & Fishing Cabins Agricultural Uses Not Including Intensive Livestock Operations Two-Family Dwellings Golf Courses Churches Cemeteries No Impact Home-Based Businesses Public Parks & Playgrounds Timber Harvesting	Tourist Recreational Facilities Cluster Development Nursing Facilities Medical Clinics Light Manufacturing Retail Establishments Designed to Serve the Immediate Area Natural Resource Uses Home Occupations Bus Shelters Minor Natural Resource Use Public Stables Bed & Breakfast Establishments Residential Subdivision Facilities & Amenities Minor Day Care Uses Junkyards Camps Solar Farms Solar Power Plants Warehouse, Contractor - (Maximum of 5,000 square feet of floor area)	Public Uses Kennels Greenhouses Undertaking Establishments Adult-Oriented Businesses Body Piercing, Tattoo, and Fortune Telling Businesses	Swimming pools Tool Sheds Private Greenhouses Private Stables Antennas Mounted on Existing Buildings Ancillary Services or Facilities Customary Private Residential Accessory Uses Minor additions to camp Buildings that would not increase occupancy (e.g., decks, porches, small additions)

ND - 2 Limited Neighborhood Development District

District Intent	Principal Permitted Uses	Conditional Uses	Special Exception Uses	Accessory Uses
ND - 2 Limited Neighborhood Development District: This district is intended to provide areas for professional offices, mobile home parks, and transient population, located away from residences and areas where the uses would represent an intrusion due to noise and other factors, yet near areas with recreation potential that lend themselves to active use.	Mobile Home Parks ** All Principal Permitted Uses Allowed in R-1 District Golf Courses Public Recreation * Tourist Recreational Facilities Clubhouses & Lodges No Impact Home-Based Businesses Recreational Vehicles *** Recreational Vehicle Pads **** Public Parks & Playgrounds Timber Harvesting * Owned by the Municipality ** Subject to the Provisions of the Subdivision Ordinance, Article V *** When sited on a Recreational Campground lot approved for the RV unit type **** When sited on an approved Recreational Campground lot.	Recreational Vehicle Parks* Professional Offices Campgrounds* Commercial Services for Campgrounds & Recreational Vehicle Parks* Home Occupations Bus Shelters Minor Natural Resource Uses Residential Subdivision Facilities & Amenities Communications Towers Minor Day Care Uses Solar Farms Solar Power Plants *Subject to the Standards and Provisions of the Subdivision Ordinance, Article VI	Public & Semi-Public Uses Adult-Oriented Businesses Body Piercing, Tattoo, and Fortune Telling Businesses	Gardens Tool Sheds Antennas Mounted on Existing Buildings Decks, Screened Porches, Platforms, Sheds, Gazebos* *When sited on an approved Recreational Vehicle Campground Lot

FP Floodplain District

District Intent	Principal Permitted Uses	Conditional Uses	Special Exception Uses	Accessory Uses
FP Floodplain District: (See Section 307.3)	See Section 307.3.4 Public Parks & Playgrounds No Impact Home-Based Business Timber Harvesting	Boating Access Areas, not including any permanent structures Residential Subdivision Facilities & Amenities Solar Farms Solar Power Plants	Bed & Breakfast Establishments* Offices* Day Care Facility *When created in a pre-existing structure and subject to the provisions of Section 307	NONE

Section 306 - Development Standards

The Development Standards that apply to each District include minimum lot sizes, minimum average widths, minimum lot depth, yard requirements, maximum lot coverage, and maximum height. These standards vary among Districts. The schedule of Development Regulations on the following page provides standards for each district.

Schedule of Development Regulations

Dingman Township Zoning Ordinance - Schedule of Development Regulations											
Criteria	CP District	RU District		R-1 District		NC District		ND-2 District		RC District	
	Central or On-lot Utilities	On-lot Sewage or Water	Central Sewage and Water	On-lot Sewage or Water	Central Sewage and Water	On-lot Sewage or Water	Central Sewage and Water	On-lot Sewage or Water	Central Sewage and Water	On-lot Sewage or Water	Central Sewage and Water
Minimum lot area per dwelling or use	1 acre	1 acre	0.5 acre	1 acre	0.5 acre	1 acre	0.5 acre	1 acre	0.5 acre	1 acre	0.5 acre
Minimum average lot width	150 feet	150 feet	100 feet	150 feet	100 feet	150 feet	100 feet	150 feet	100 feet	150 feet	100 feet
Minimum front yard	50 feet	50 feet	40 feet	40 feet	40 feet	50 feet	40 feet	50 feet	40 feet	50 feet	40 feet
Minimum side yard	50 feet	25 feet	15 feet	15 feet	15 feet	15 feet	15 feet	15 feet	15 feet	25 feet	15 feet
Minimum side yards (both sides)	100 feet	50 feet	30 feet	30 feet	30 feet	50 feet	30 feet	50 feet	30 feet	50 feet	30 feet
Minimum rear yard	50 feet	50 feet	25 feet	25 feet	15 feet	25 feet	15 feet	10 feet	15 feet	50 feet	25 feet
Maximum Building Height	35 feet	50 feet	50 feet	35 feet	35 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Maximum lot coverage	10,000 sq. ft or 20% whichever is greater.	10,000 sq. f. or 50% whichever is greater	10,000 sq. ft or 50% whichever is greater	10,000 sq. ft. or 20% whichever is greater	10,000 sq. ft. or 20% whichever is greater	10,000 sq. ft. or 50% whichever is greater	10,000 sq. ft. or 50% whichever is greater	10,000 sq. ft. or 50% whichever is greater	10,000 sq. ft or 50% whichever is greater	10,000 sq. ft. or 50% whichever is greater	10,000 sq. ft. or 50% whichever is greater
Notes applicable (see below)	1,3,4	3,4	3,4	3,4	3,4	3,4	3,4	2,4	2,4	3,4,5	3,4,5

NOTES:

1) Development regulations for the CP District shall apply to all uses in the FP (Floodplain Protection District).

2) Central water supply and off-site sewage disposal facilities are required for principal permitted uses. Recreational Vehicle Sites - 9,000 sq. ft. The setback lines for the placement of any structure on a recreational vehicle campsite including but not limited to: recreational vehicles, tents, trailers, cars, trucks or other motorized vehicles used for camping, accessory buildings (which may not be used for human habitation), decks, landings, patios, gazebos, or anything other than natural vegetation shall be: fifteen (15) feet from the front lot line; fifteen (15) feet from the back lot line; seven and one-half (7.5) feet from the side lot lines; and fifty (50) feet from the top of the bank of any body of water (lakes, stream, brook, etc.). No part of the recreational vehicle, including slide-outs, tip-outs, etc., may encroach into the setback area. The total of both side yards shall be no less than fifteen (15) feet, and no recreational vehicle or structure that exceeds fifteen (15) feet in height may be placed on the lot. For a corner lot, the rear yard opposite the road on which the lot has the most frontage may be reduced by 50%. A lot used for transient camping may obtain a permit for such use with a designated pad area for the placement of structures. The entirety of any structure, including any camping structures, shall be within the confines of the pad at all times after installation. Seasonal camping shall not be considered transient. The property owner shall be required to show the Zoning Officer adequate evidence of the location of lot lines (including a survey if deemed necessary by the officer) before placing any such structures. The placement of any such structures shall require a zoning permit under this Ordinance. Any owner may apply for a certificate of non-conforming use for any structure previously placed that would otherwise be in violation of this provision within eighteen (18) months of the date of enactment. Thereafter, any such structures shall be considered to be in violation of this provision.

3) Barns, silos, and similar farm buildings are exempt.

4) Residential structures shall meet R-1 District standards, regardless of the zoning district.

5) See §435 for Mixed-Use Project Development Standards.

Section 307 - Floodplain Development

1. Definition of Floodplain Areas: The identified floodplain area shall be any area of Dingman Township, subject to flooding as identified on a Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency or its successor agency and dated December 4, 1985, or any subsequent revision. Flood elevations will be determined in specific instances by a combination of this map with U.S.D.A. Soil Conservation Service data, U.S.G.S. mapping, and other floodplain information sources. The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person document a need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency or its successor agencies.

2. Prohibition of Development: No new manufactured housing unit, structure, substantial improvement to an existing structure (as defined by the Pennsylvania Floodplain Management Act), or other development shall be permitted within any Zone "A" or "AE" flood area on Dingman Township's FIRM excepting uses not involving permanent structures, as provided in Section 307.3(5) hereof. Provided, however, that bridges, culverts, or other crossings of bodies of water shall be permitted as conditional uses. Bridges, culverts, or other crossings owned and maintained by the federal, state, county, or municipal government shall be exempt from the requirement to obtain a permit. They shall, however, submit to the Township proof that they have received all necessary state permits for any such project before initiating construction. A proposed replacement of an existing crossing structure shall either be equal to or exceed the capacity of the structure to be replaced. New structures shall meet all applicable standards. Existing manufactured housing units in the floodplain area may be replaced, but the new manufactured housing units or any additions to existing homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors.

a) over - the - top ties shall be provided at each of the four (4) corners of the manufactured housing unit, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.

b) frame ties shall be provided at each corner of the manufactured housing unit, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

c) all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.

d) the stands or lots shall be elevated on compacted fill so that the lowest floor of the mobile home will be at or above the one-hundred (100) year flood.

Evacuation plans for manufactured housing parks indicating alternate vehicular access and escape routes shall be submitted to the Township Board of Supervisors for review and approval.

Such evacuation plans shall be evaluated in consultation with the Pike County Emergency Management Agency and, if necessary, revised so as to provide for safe means of access and escape.

New and replacement water supply systems within the identified floodplain area shall be designed to minimize or eliminate infiltration or flood waters of the 100 year flood.

Regardless of the other data, no new construction shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection Bureau of Dams and Waterway Management. In the event that state regulations require the issuance of a Township permit prior to the application for any state permit, this section is hereby waived. In addition, the Federal Insurance Administrator or Director of any successor Agency and the Pennsylvania Department of Community Affairs, Bureau of Community Planning, or its successor agency, should be notified by the Township prior to any alteration or relocation of any watercourse.

3. Procedures: No zoning permit shall be issued anywhere within the Township until a review of the proposed activity is made to assure all necessary permits have been received, including any which may be required under Section 404 of the Federal Water Pollution Control Act (Army Corps of Engineers Permit Program). In the event that state regulations require the issuance of a Township permit prior to the application for any state permit, this section is hereby waived. All subdivision proposals or proposals for development involving more than five acres of land shall include base flood elevation data. Such data should be developed by a professional engineer, hydrologist, or other technically qualified individual using Soil Conservation Service, Army Corps of Engineers, or other comparable data or by applying one of the techniques recommended by the Pennsylvania Department of Community Affairs. The Zoning Officer and/or Planning Commission will review all permit applications to determine whether proposed building sites, subdivisions, and developments will be reasonably safe from flooding (outside the 100 year floodplain) and otherwise meet the standards of this section. No permits will be issued until and unless such a determination is made.

4. Permitted Uses: The permitted uses within the floodplain shall be limited to the following:

(1) Timber harvesting

(2) Commercial nurseries, but not including any permanent structures

(3) structures Agricultural uses, but not including any intensive livestock operations or permanent

(4) Golf courses, but not including any permanent structures

(5) Public parks and playgrounds, but not including any permanent structures

(6) Boating access areas not including any permanent structures shall be considered conditional uses.

An existing structure within a designated FP Floodplain Development District may, subject to Special Exception approval, and provided no changes to the footprint of the structure or increases in the floor area are involved, be converted to an office or bed and breakfast establishment or day care facility.

5. Floodplain Variances: In reviewing any requests for a floodplain variance the Zoning Hearing Board shall, prior to approving any such request, determine:

(1) All the requirements for a variance, set forth in Section 710, have been met.

(2) ensure the granting of the variance will not result in any increase of flood heights, additional threats to public safety, extraordinary public expenses, creation of nuisances, cause fraud on or victimization of the public, or conflict with any other applicable local or State ordinances and regulations.

6. Documentation: In all variance requests:

(1) The applicant shall provide documentation, certified by a professional engineer or architect, clearly demonstrating the proposal will not result in any increase of flood heights or additional threats to public safety.

(2) The applicant shall submit to the Pennsylvania Department of Community Affairs - Floodplain Management Division and the Federal Emergency Management Agency copies of such documentation, certified by a professional engineer or architect, for the purpose of review and comment. Copies of such comments shall be submitted as part of the variance request. A hearing for a variance request shall not be scheduled until the applicant has received the Department of Community Affairs' comment.

If granted, a variance shall involve only the least modification necessary to provide relief. If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations, including the requirements for floodproofing, anchoring, and elevation. The applicant must also comply with any other requirements considered necessary by the Township.

In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions or safeguards it considers necessary in order to protect the public health, safety, and welfare and to achieve the objective of this Ordinance.

Whenever a variance is granted, the applicant is hereby notified that the granting of the variance may result in increased premium rates for flood insurance and that such variances may increase the risk to life and property.

A complete record of all variance requests and related incidents shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in an annual report to the Federal Emergency Management Agency or its successor. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood in accordance with the provisions of the Corps of Engineers publication entitled "Flood-proofing Regulations - June 1972".

Notwithstanding the rights of any applicant to apply for variance (in special instances), no variance shall be granted which will allow the following activities and development to locate within a floodplain area, as they present a special hazard to the health and safety of the public:

a. Hospitals (public or private)

b. Nursing homes (public or private)

c. Jails or prisons

d. Individual mobile homes, new mobile home parks, mobile home subdivisions, and substantial improvements thereto, as well as to individual mobile homes

e. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises:

1) Acetone
2) Ammonia
3) Benzene
4) Calcium carbide regulated
5) Carbon disulfide 6) Celluloid
7) Chlorine
8) Hydrochloric acid
9) Hydrocyanic acid
10) Magnesium
11) Nitric acid and oxides of nitrogen
12) Petroleum products (gasoline, fuel oil, etc.)
13) Phosphorus

14) Potassium
15) Sodium
16) Sulfur and sulfur products
17) Pesticides (including insecticides, fungicides, and rodenticides)
18) Radioactive substances, insofar as such substances are not otherwise regulated.

7. Abrogation and Greater Restrictions: This Ordinance supersedes any other conflicting provisions that may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

8. Documents: Copies of documents referenced herein shall be available from the Township Zoning Officer.

ARTICLE IV - SUPPLEMENTAL REGULATIONS

Section 401 - Home Occupations

401.1 Home occupations shall be permitted as indicated in Section 305, provided such occupation is clearly incidental or secondary to the use of the property as a residence and does not change the character of or have an exterior effect on the dwelling.

a. In the R-1 District, the minimum lot size shall be two (2) acres, and the minimum setback of any home occupation activity to adjoining properties or streets, alleys, roads, etc. shall be forty (40) feet.

b. In all other Districts where home occupations are permitted, the minimum lot size shall be two (2) acres, and the minimum setback of any home occupation activity to adjoining properties or streets, alleys, roads, etc. shall be fifty (50) feet.

c. Home occupations shall be limited to the employment, on premises, of not more than two (2) persons, other than immediate family members living on the premises, at any one time. An additional off-street parking space shall be provided for each employee.

d. Home occupations shall not occupy more than twenty-five (25) percent of the total floor area of the dwelling unit, including basement and accessory buildings.

e. In addition to the requirements for home occupations applications as set forth in this ordinance, all applicants for home occupations shall give written notice of their application to all property owners with real property that abut the subject property or are within 500 feet of the boundaries of their property (the subject parcel) and shall submit an affidavit showing proof of said notice to the Board of Supervisors at the time of hearing.

f. Applicants must demonstrate compliance with all applicable state and local laws and regulations, including but not limited to those regulating sewage, building, solid waste removal, etc., as they relate to the project.

g. Applicants must supply the Township with filed copies of fictitious name registrations or certificates of incorporation as applicable.

h. Home occupations shall not detract from the residential character or appearance of the neighborhood. The following factors shall be used to make this assessment.

1. Extent of business - whether or not the home is still the identifiable primary use 1 of the property. Factors shall include the amount of time the business is operated on a daily basis.

2. Appearance from an adjacent street - whether or not the use of the property as a business is distinguishable from an adjacent street. Except for a nonilluminated, identification sign no larger than four (4) square feet in size attached to the principal structure, nothing shall occur on the property that can be observed from an adjacent street, which makes it readily apparent a business is being operated on the premises. In cases where the principal structure is obscured from the street, or the structure is set back more than fifty (50) feet from the property line, a non-illuminated ground sign not to exceed four (4) square feet may be used. Factors for evaluating this standard shall include, but not be limited to, that the residential dwelling not be altered to change its residential appearance, and no activity related to the conduct of the home occupation shall be permitted to occur in such a manner as to be obtrusive to the neighborhood or attract extra attention to the business.

3. Impact on the neighborhood - whether or not the business activity is causing a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall include, but not be limited to, whether or not the business is generating excessive traffic detrimental to the neighborhood beyond normal residential traffic.

4. Parking - whether or not parking problems could result from the use. Factors shall include, but not be limited to:

> i) Except for special gatherings, parking required for the business shall be provided on-site parking on the property, which shall be on a surface equal in quality to the paving surface of any existing driveway, unless there is no surface other than the ground, in which case a gravel surface shall be provided; and
>
> ii) No home-based business shall be permitted that requires parking of tractor-trailer combinations along the street or on site for other than short-term delivery purposes.

5. Nuisance - whether or not the use is causing or will cause nuisances for surrounding property owners or is deviating from the residential character or appearance of the neighborhood.

6. Expansions - no home-based business, having once been permitted or established, shall be added to, expanded, enlarged, or otherwise increased or changed substantially in character without complying with this law, and such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home-based business to a commercial use by the abandonment of the residence or the sale, rent, or transfer of the business to a party that does not reside on-site is strictly prohibited unless the business is then moved off-site.

7. Violation of subsections 4, 5, and 6 of this section shall be grounds for revocation of any permit issued by the township for a home occupation.

401.2 No Impact Home-Based Businesses shall be permitted as an accessory use, and the Zoning Officer may consider applications for the same without the need for any hearing before, or referral to, the governing body.

A no-impact home-based business is 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:

(1) The business activity shall be compatible with residential use of the property and surrounding residential uses.

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

(5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(6) 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.

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

Section 402 - Accessory Uses or Structures

No detached accessory building or structure shall be erected in any required front yard, and no detached accessory building or structure shall be erected within ten (10) feet of any other building or structure. Below-ground swimming pools shall, in addition to meeting the above requirements, be entirely enclosed with a permanent fence not less than four (4) feet in height.

Fencing shall be in place from the time of initial excavation of the pool. Temporary fencing may be used until the pool is complete and shall be replaced with permanent fencing before the issuance of a certificate of use (C.U.) for the pool. An accessory structure attached to a principal building shall be considered to be part of the principal building. No accessory structure shall be located so as to violate any front, side, or rear property setback line. For lots that are one-half (1/2) acre or less, the rear yard and side yard setbacks for accessory structures may be reduced by one-half (1/2).

Section 403 - Special Lot Provisions

403.1 All yards abutting a street line or corner lots shall meet district requirements for front yards.

403.2 When an unimproved lot is situated between two improved lots with front yards less than those required for the District, the front yard required may be reduced to the average of the two existing yards, but in no case shall it be less than 50% of the yard normally required.

403.3 A clear-sight triangle of not less than 75 feet in either direction from the intersection shall be maintained on all corner lots.

403.4 Whenever a dwelling use is erected in any district, there shall be yards as required in an R-1 District.

403.5 Projections into Required Yards. Certain architectures may project into required yards. These include:

Cornices, canopies, eaves, etc.
Fire escapes,
Uncovered stairs and landings,
Bay windows, balconies, fireplaces, chimneys, etc.

None of the above, however, shall project more than five (5) feet into required yards.

403.6 Building Height Exceptions. District height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, farm silos, water towers, masts and aerials, public utility structures, and parapet walls extending not more than four (4) feet above the limiting height of the building.

Section 404 - Conditional Use and Special Exceptions

404.1 Conditional Uses - Uses listed as "Conditional Uses" shall require individual consideration in each case because of their unique characteristics. Such "Conditional Uses" shall be referred to the Planning Commission for review and recommendation and may be permitted only after public notice and hearing and determination by the Board that such uses meet the standards in this Ordinance. The Commission shall have 30 days from the date it receives the referral in which to make a recommendation to the Board.

Applicants for Conditional Uses shall submit plot plans in sufficient detail to provide the Board and the Planning Commission with enough information to properly evaluate the proposed planned use. The burden of proof shall be on the applicant to present sufficient evidence to show compliance with all applicable standards hereunder, and the burden shall never shift to the municipality or other parties to show the contrary.

Such Conditional Uses, which are authorized by the Board, may be subject to any additional conditions and safeguards, including but not limited to increased lot size established by the Board in each case, which may be warranted by the character of the areas in which such uses are located.

404.2 Special Exceptions - Uses specified as special exceptions under this Ordinance shall be permitted only after review by the Planning Commission and review and approval by the Zoning Hearing Board. Such approval shall be based on the determination that the use is appropriate to the specific location for which it is proposed, consistent with the Comprehensive Plan and in keeping with the purposes and intent of this Ordinance. The following criteria shall be used as a guide in evaluating a proposed use:

a. The presence of adjoining similar uses.

b. The presence of an adjoining district in which the use is permitted.

c. The need for the use in the area proposed, as established by the comprehensive plan.

d. Sufficient area to effectively screen the use from nearby different uses.

e. Conditions such that there were several potential sites for the use, but not sufficient need to establish a permitting zone district or to leave the District open to indiscriminate placement of such use.

f. Sufficient safeguards such as parking, traffic control, screening, and setbacks can be effectuated to remove any potential adverse influence the use may have on adjoining uses.

g. The burden of proof shall remain with the applicant to show compliance with all standards, and the burden shall never shift to the Township.

h. Applicants shall submit plot plans in sufficient detail to provide the Board and the Planning Commission with enough information to properly evaluate the proposed planned use.

404.3 Upon making a determination that an application for a specific use could only be granted as a conditional use or special exception under the terms of this Ordinance and upon making the further determination that the application for such a use is complete, the Zoning Officer shall forward a copy of said application to the Planning Commission and to the Board of Supervisors. In the event that the Zoning Officer determines that the application for a use is incomplete, he may return it to the applicant together with a narrative indicating the basis for rejection, or he may, in his discretion, refer the application to the Planning Commission to review. The Commission shall, within thirty (30) days following its next regular meeting, make a review thereof and forward recommendations, if any, to the Board of Supervisors or Zoning Hearing Board, as applicable. The Board shall promptly schedule a public hearing to receive public comment on the application and, after the completion of said hearing or hearings or adjournments thereof, render a decision to grant or deny the application. If the application is granted, the Board will direct the Zoning Officer to issue a permit in accordance with its decision. In approving an application, the Board may attach such reasonable conditions to the approval as it may deem necessary. The Board may, in its discretion, direct the Zoning Officer to issue a permit for a limited period of time, which permit shall be subject to a renewal procedure at which time the Board will have the discretion to deny the renewal, grant the renewal, or order the implementation of additional conditions that the Board may deem necessary and appropriate. If the application is denied, the applicant shall be notified within five (5) days of the decision and the reasons for the action.

Section 405- Cluster Development / Conservation Subdivision

Cluster development, also known as conservation subdivision for purposes of this ordinance, is permitted as a conditional use in some districts. The following rules shall apply in granting such a permit:

405.1 Any owner of a minimum of ten (10) acres of land in a district where Cluster Development is permitted as a conditional use may request Dingman Township to have the regulations of this Section apply to the property in question.

405.2 Any request shall be in writing and include a legal description of the property, a preliminary plan showing the intended overall development plan, and a description of the means by which the open space restrictions shall be applied. All other information normally required for a conditional use application, as well as data required for a preliminary plan submission under the Dingman Township Subdivision Ordinance, shall also be supplied at this time. Such requests shall also be filed with the Dingman Township Planning Commission who shall process the request on a schedule identical to the requirements for review and approval of a preliminary plan under the Dingman Township Subdivision Ordinance. The Township Planning Commission, before recommending action to the Board of Supervisors on the request and plan, shall hold a public hearing, pursuant to the requirements of Pennsylvania Act 247 (The Pennsylvania

Municipalities Planning Code). In granting a preliminary approval of the submitted plans, the Board of Supervisors shall also direct the Zoning Officer to issue a conditional use zoning permit for the proposed use. If preliminary plans are rejected, no conditional use permit shall be granted, and the applicant may appeal the action of the Board of Supervisors to the Zoning Hearing Board under the provisions for Unified Appeals in Act 247.

405.3 Individual building lots in a cluster development may be reduced in area and other development regulations may be modified in order to accommodate a more varied, efficient, attractive, and economical development pattern with the goal of increasing flexibility in the location and arrangement of homes as well as providing a more usable pattern of open space. Minimum lot area may be reduced to one-half acre, provided that the overall density of the development does not exceed that which would be achieved by dividing the property into the smallest individual lots permitted in the District. Other development regulations pertaining to minimum requirements may be reduced in a proposition identical to the ratio between the average lot size of the proposed development and the minimum lot area established for the District, but in no case shall be less than one-half of the requirements applying generally to the District.

405.4 No cluster shall be served by more than one entrance and one exit to the public right-of-way, such that individual driveways shall not front on the public right-of-way.

405.5 The proposed development shall be serviced with both a central water supply and off-site sewage disposal facilities. For purposes of this regulation, a water system or sewage disposal facility serving less than ten lots or homes shall not qualify.

405.6 An amount of land equal to the total area saved by reducing lot sizes below District regulations or twenty (20) percent of the tract, whichever is more, shall be in common open space and shall be owned and maintained solely for the common use of the residents of the subdivision. Common open space shall be available for the use of all residents and shall not include existing streets or public utility easements. At least fifty (50) percent of the open space shall be usable for active recreational activities and shall not include swamps, quarries, or slopes over 25% in grade. Subdivisions of over fifty (50) lots in size shall also include parks and playgrounds according to the following formula:

One-Half acre per 50 lots

Section 406 - Manufactured Housing Parks

All manufactured housing parks shall obtain and maintain a license from the Pennsylvania Department of Environmental Protection and comply with all regulations of the Dingman Township Subdivision Ordinance. As a minimum, the following standards shall apply:

406.1 No less than 20,000 square feet of area shall be provided for each unit.

406.2 No manufactured housing unit shall be located closer than thirty (30) feet to another unit.

406.3 No manufactured housing unit shall be located closer than 35 feet to the boundary of the park property.

406.4 All manufactured housing units located in the park shall be placed on permanent foundations and screened between the grade level and the bottom of the unit.

406.5 There shall be no more than one access to a manufactured housing park from any public right-of-way, and all driveways to individual units shall front on an interior access drive.

406.6 Each manufactured housing unit shall be provided with off-street parking equivalent to that required of single-family dwellings.

406.7 All manufactured housing parks shall be provided with central water and sewerage facilities.

Section 407 - Manufactured Housing Units Used as Single-Family Dwellings

Manufactured housing units may be erected as single-family dwellings in districts where the latter is allowed, provided that any such manufactured housing shall contain at least 800 square feet of floor area (exclusive of basement and accessory structures) and shall be placed on a complete permanent walled foundation, meeting all standards of the Township Building Code.

Section 408 - Junk Yards

Junk yards shall be allowed, as conditional uses, in the RU Rural District only and shall be subject to the following restrictions, which shall apply to both existing and proposed junk yards:

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

408.2 No junk yard created after the effective date of this Ordinance shall be located closer than one thousand (1,000) feet to an existing public right-of-way or 500 feet from 8 any residence.

408.3 All existing junk yards must erect and maintain a six (6) foot fence adequate to prohibit the entrance of children or others into the area and to contain within such fence the materials dealt in by the owner or operator. If such an area is located adjacent to a public street or residential area, the fence shall be twenty-five (25) feet from the boundary line thereof and be adequate to screen all portions of the junk yard from view from the public street or from residential areas.

408.4 The area used for a junk yard shall not be used as a dump area nor as a place for the burning and disposal of trash.

408.5 Existing junk yards in Districts other than the RU District as well as other nonconforming junk yards shall be eliminated or brought into conformance within a period of five (5) years following the enactment of this Ordinance.

Section 409 Commercial, Manufacturing, and Other Non-Residential Uses

The following performance standards shall apply to all commercial, manufacturing, and other non-residential uses. (Note - This section shall not apply to agricultural uses):

409.1 Setbacks and Buffers - Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any CP, R-1, RU or ND2 District the minimum setback shall be increased to fifty (50) feet and a buffer consisting of a solid fence of wood and/or a dense evergreen planting not less than six (6) feet high or comparable natural vegetation shall be planted/erected and maintained. The dense evergreen planting shall provide immediate screening as opposed to providing screening at some future date when the plants reach a certain age or size. Storage of equipment, supplies, products, or any other materials shall not be permitted in any front yard or side yard. Additional buffer areas or fencing may be required by the Township if the nature of the proposed use, as determined by the Township, so requires.

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

a. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure (s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

b. The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.

c. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
d. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.

e. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a

common site plan, the width and density of the buffer may be reduced if the Township determines that the proposed use and adjoining use(s) are not incompatible.

f. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accordance with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

409.2 Operations and Storage - All facilities and operations of the principal use, including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Township, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Storage of materials, supplies, or products in motor vehicles, truck trailers, or other containers normally used to transport materials shall not be permitted. However, not more than two (2) trailers, maintained in good condition, shall be permitted for such storage for a temporary period, not to exceed twenty-four (24) months. The placement of said trailers shall require a permit from the Township, shall meet the setback requirements of this Ordinance, and shall not be used for storage of any flammable or hazardous material.

409.3 Fire and Explosion Hazards - All activities involving any manufacturing, production, storage, transfer, or disposal of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State, and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). All buildings shall comply with the most current BOCA or NFPA standards as required by the Township. Additional buffer areas or fencing may be required by the Township if the nature of the proposed use, as determined by the Township, so requires.

409.4 Radioactivity or Electric Disturbance - No activities shall be permitted that emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

409.5 Noise - All new land uses shall not generate cumulative sound levels, at or beyond any lot line, that exceed the ambient noise level by 10 or more decibels (dBA) either continuously or recur repeatedly and sporadically over a period of eight (8) hours. Any sound of 5 to 10 decibels above the ambient noise level shall be attenuated or mitigated to the maximum degree practical, as shall be determined by the Township Board of Supervisors during Conditional Use review. The Board may, as a condition of approval, require additional setbacks, buffers, and fencing, or reasonably limit the hours of operation to attenuate or mitigate any potential noise impacts of any proposed use. All noise measurements for purposes of this section shall be verified by a Pennsylvania-registered Professional Engineer. The increase in ambient noise level shall be

determined for all lot lines at the site where the project is to take place and any other locations as shall be specified by the Zoning Officer, taking into account existing noise generators. The maximum permissible sound levels of this section shall not apply to emergency or security alarms, repair or construction work to provide public utilities, construction operations between the hours of 7:00 AM and 7:00 PM, emergency repairs, agricultural activities other than kennels, motor vehicles when used on public streets in accord with state regulations, aircraft, government authorized public celebrations, unamplified human voices or routine ringing of bells or chimes by a place of worship or similar facility. For camps and other seasonal land uses located in residential areas, significant noise-generating activities shall be prohibited between the hours of 10 PM and 6 AM.

409.6 Vibration - No vibration shall be permitted that is detectable without instruments at the property line.

409.7 Lighting and Glare - No light source shall be exposed to the eye except those covered by globes or diffusers. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source. Lighting design should be an inherent part of the architectural design. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site, and all 11 required lighting fixtures shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

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

a. For camps, no outdoor lights serving as illumination for outdoor recreational facilities and located within 100 feet of any exterior property line of the camp shall operate beyond 10 PM. A lighting plan, demonstrating no more than 0.1 foot-candle illumination at the property lines, must be submitted as part of the application

409.8 Smoke - No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.
409.9 Odors. No emission shall be permitted of odorous gases or odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

409.10 Other Forms of Air Pollution - No emission of fly ash, dust, fumes, vapors, gases, or other forms of air pollution shall be permitted that can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

409.11 Surface and Ground Water Contamination - All activities involving the possible contamination of surface or groundwater shall be provided with adequate safety devices to

prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval, and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township.

409.12 Landscaping - A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of the installation and maintenance program. Landscaping shall be installed to the following minimum standards:

a. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.

b. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.

c. Plants shall be of a variety proven successful in Dingman Township's climate, unless otherwise approved by the Board of Supervisors.

d. Where landscaping is required to serve as a buffer (eg, between the project and adjoining properties or between buildings and parking areas), the plants used shall be of such variety, size, and arrangement of height and spacing to effect the required buffer in a reasonable period of time as determined necessary by the Township.

The width of the landscaped buffer shall generally not be less than ten (10) feet in all required yards, unless the applicant can demonstrate to the Township that the buffer can be affected by other means, such as soil mounding and/or fencing.

In cases where the proposed site adjoins a District other than an NC District or RC District or adjoins an existing residential use, the buffers in the side and rear yards shall be increased to twenty (20) feet.

e. The variety of landscape materials shall be consistent with building architecture, and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.

f. A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least thirty-six (36) square feet in area. Trees and landscaping plots shall be

so located to provide visual relief and sun and wind interruption within the parking area and to ensure safe patterns of internal circulation. However, in no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.

g. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.

h. Plastic landscape materials shall not be permitted with the exception of permeable weed control material.

i. All trees to be planted shall have a trunk diameter of at least three-quarters (3/4) inch as measured one (1) foot above the ground.

j. All landscaping shall be maintained in good growing condition by the property owner, with plants that have died being replaced with similar plants.

409.13 Stormwater Management and Soil Erosion Control. A stormwater management plan and soil erosion control plan shall be provided to the Township for review and approval.

Said plan shall be prepared and implemented pursuant to the standards contained in Sections 605 and 606, respectively, of the Township Subdivision Ordinance, and the County Conservation District.

The protection of the quality of groundwater and surface water shall be an integral part of all proposed stormwater management practices, and all stormwater management plans shall include an element specifically addressing water quality.

The plan shall provide for the minimization of the discharge of "first flush" sediments off the project site or directly to infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.

409.14 Waste Materials. No liquid, solid, toxic, or hazardous waste shall be stored or disposed of in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil, or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. Enclosed waste pens shall be provided for each occupant of the establishment, either at the rear of each commercial unit or at common areas. Said facilities shall be adequate to accommodate all waste from the premises until collected and shall be maintained so as not to become unsightly or a public nuisance. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground.

409.15 Sewage Disposal. Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Protection and the Dingman Township Sewage Ordinance. Discharge to such system shall be limited to domestic wastes unless otherwise permitted by the Township and the Pennsylvania Department of Environmental Protection. No discharge of wastes or materials in any way associated with a production process shall be permitted to any sewage system.

409.16 Other Provisions. Documentation shall be provided by the applicant 14 demonstrating that the project complies with all other applicable local, state, and federal regulations, and said proposal has obtained all required permits, certifications, and authorizations, including but not limited to the Pa. Department of Transportation, the Pa. Department of Environmental Protection, the Pa. Department of Labor and Industry, the Federal Emergency Management Agency, and the U.S. Environmental Protection Agency. Unless waived by the Township Board of Supervisors, documentation shall also be provided as to impacts on any area, condition, or feature that is environmentally sensitive, or which, if disturbed during construction, would adversely affect the environment. This shall, if required, include a statement of impact upon such critical areas and of any adverse impacts that can not be avoided, identification of environmental protection measures to minimize damage to critical impact areas during and after construction, and a listing of steps proposed to implement these measures.

Section 410 - Non-Conforming Uses and Structures

It is the purpose of this Section to limit the injurious impact of non-conforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest or general purpose of this Zoning Ordinance, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in determining the reasonableness of the proposal to alter, continue, or extend a non-conforming use. The following are regulations that shall apply to the alteration, continuation, or extension of non-conforming uses:
410.1 A non-conforming use shall be a land use legally existing at the effective date of this Ordinance, or any amendment thereto; A non-conforming building or structure shall be one started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto and completed within a one-year period after the effective date of this Ordinance or Amendment, thereto; and which does not conform with the use regulations of the district in which located. A non-conforming building or structure shall not qualify as a non-conforming use but may be expanded if the non-conformity is not increased as the building is extended.

410.2 Normal maintenance and repairs, such as painting, replacing a roof, etc., are allowed as well as minor additions, alterations, and interior renovations that do not structurally alter the building or result in increased use of the building or area, a different nature of use than existing

at the present time, or otherwise create more incompatibility with the surrounding permitted uses.

410.3 Changes and additions to non-conforming single-family residential uses or structures shall be considered permitted uses and shall be granted if the changes and/or additions are either:

a. Nonstructural modifications to the non-conforming portion of the use or structure, or

b. Changes and/or additions to use or structure that do not create any additional non-conformance and meet all current zoning regulations.

All changes and additions to all other non-conforming uses (except those identified above) shall be considered conditional uses, and permits for alterations, changes in use, or additions of one sort or another shall be granted only after a determination by the Township Supervisors that the following conditions have been or will be satisfied.

a. Storage of Materials. There shall be no increase in the amount of materials, supplies, and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in Section b.

b. Screening. Where the non-conforming activity is one which necessarily results in the storage of large quantities of materials, supplies, or projects outside (such as a sawmill, farm machinery sales operation), the use may only be expanded if a solid fence of wood or some similar material and/or vegetative screening not less than six feet in height is present on all sides of the immediate area in use.

c. Yards and Setbacks. No additión, change, or expansion of a non-conforming use shall create further non-conformity by violation of yards, setback, and height regulations of the district in which it is located.

d. Stormwater. There shall be no increase in the amount of stormwater runoff for the site over what existed as of the date of the enactment of this Ordinance. The U.S.D.A. Soil Conservation Service may be relied on to make recommendations of appropriate measures to control stormwater runoff, which may be attached as conditions of approval by the Township.

e. Parking and Traffic. In no case will a change, addition or expansion of a nonconforming use be allowed which would result in the diversion of traffic or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of the enactment of this Ordinance, the Township may require vegetative screening of the parking area for nearby residential areas.

f. Extension Onto New Properties. The use may only be expanded or extended onto a new property in the district if that property is immediately adjacent to the existing location, the properties are considered as a unit, were both in the same ownership as of the effective date of this Ordinance, and the owner has clearly exhausted the alternatives available for expansion on the existing site.

410.4 A non-conforming use may be re-established within a period of 18 months after it has been discontinued or vacated, provided that a certificate of intent to do so has been filed with the Board of Supervisors within that 18-month period. Applicants may be granted an extension where proven necessary to the Board of Supervisors.

410.5 If less than 50% of the floor area of any such non-conforming use is damaged, it may be restored or reconstructed within one year of the date of the damage.

410.6 In order to administer this Ordinance, the Zoning Officer shall prepare a complete list of all non-conforming uses, signs, buildings, and lots in existence as of the effective date of this Ordinance or amendment thereto. He shall also issue, upon request, a Certificate of Non-Conformance to any property owner who so requests.

Section 411 - Commercial Development in Recreational Vehicle Area

The provision of commercial services or sale and servicing of recreational vehicles to lot owners in a recreational vehicle park or campground shall be permitted as a conditional use in the ND2 - Limited Neighborhood Development District. The Township shall review the application and shall grant or deny the conditional use based on the following criteria:

a. The services permitted shall be specifically stated.

b. The Township shall consider the size of the campground and its proximity to commercial districts in the Township.

c. The area to be used for commercial services or sale and servicing of recreational vehicles shall be adequate in size to provide for necessary facilities such as access, parking, and, when applicable, on-lot sewage disposal.

d. The service area shall be set back from public roads and other property so as to not to be readily visible from those areas, at a location and distance approved by the Board, but in no case, less than one thousand (1,000) feet.

e. No signs of any sort visible from outside of the campground shall direct the general public to the services, and all signs of any sort within the Township which refer to the campground and/or the services offered there shall receive the prior approval of the Board before erection.

f. The Board may require that security in a form and amount approved and controlled by the Township Supervisors, be provided for improvements to public facilities such as streets, sewers, and stormwater drainage structures which are necessary to serve the proposed commercial services or recreational vehicle sales and service area or may be damaged or modified by the establishment of the service area.

g. The services shall be shown to the Board of Supervisors on a plan, similar in form to a subdivision plan, and shall state clearly details pertaining to the factors hereinabove described.

h. The services shall be provided to lot owners or actual lot users exclusively. No persons other than lot owners or actual lot users exclusively. No persons other than lot owners and actual lot users shall be permitted to use said services or facilities. The Board may, in its discretion, establish standards or restrictions to control the use of said services and/or facilities. The Township may perform periodic inspections, with or without notice, to ensure adherence to this standard.

i. The conditional use may be granted perpetually or for a specific period of time.

j. The Board may consider such other standards as it may deem appropriate under the circumstances of a particular case.

Section 412 - Keeping of Animals

412.1 Private Stables - A private stable is permissible as an accessory use to a single-family residence in any CP, RU, or R-1 zone district, provided it will comply with the following provisions:

a. The tract of land on which the house and stable are located is at least 2 - 1/2 acres in size.

b. No more than two horses are kept, with the exception that one additional horse may be kept for each additional acre of land.

c. The building shall not be less than 200 square feet in size for one horse, with an additional 200 square feet for each additional horse.

d. No commercial breeding, hire or sale of horses shall be permitted from a private stable.

e. All horses shall be restrained from grazing or intruding on an adjoining property, and any fences erected for the same shall be at least five feet from the property line or public or private road.

f. No stable building shall be located within 100 feet of an adjoining property line or public or private road.

412.2 Public Stables - A public stable is permissible as a conditional use in any CP or RU zoned district, provided it will comply with the following provisions:

a. The tract of land on which the stable is located is at least 10 acres in size.

b. The stable building shall not be less than 500 square feet in size for one horse, with an additional 200 square feet for each additional horse.

c. All horses shall be restrained from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five feet from the property line or public or private road.

d. No stable building shall be located within 100 feet of an adjoining property line or public or private road.

412.3 Other Domestic Animals = The keeping of livestock and any other animals of a domestic or agricultural type, including but not limited to cows, steers, goats, sheep, swine, poultry and furbearing animals shall not be permitted in any zone district other than CP or RU except where the tract in question is at least 10 acres in size and all animals and buildings are confined to an area not closer than five feet to an adjoining property line or public or private road and except in the Zoning District R-1-A where the keeping of poultry is permitted as described herein. .In the CP and RU district, the minimum lot size shall be five (5) acres. All such domestic animals shall be confined to a yard enclosed by a fence designed to contain such animals therein. These restrictions shall not apply to the keeping of household pets such as dogs, cats, birds, or hamsters.

A. Purpose

The purpose of this section is to provide basic minimum standards for the keeping of domestic poultry; to minimize the adverse effects of the keeping of domestic poultry on persons, and to protect the health, safety, and welfare of the citizens of Dingman Township. This Ordinance does not apply to farms operating under the Pennsylvania Right-to-Farm Act.

B. Definitions

As used in this section, the following terms shall have the meaning indicated:

Chicken - A member of the species Gallus domesticus.

Chicken Coop - A structure designed to house and provide nesting areas for chickens.

Chicken Pen - An area surrounding the chicken coop that is enclosed by fencing designed to allow chickens freedom of movement in an outdoor area.

Domestic Poultry - Any species of domestic fowl, including but not limited to chickens, turkeys, ducks, geese, guinea fowl, and pea fowl.

C. Permit Requirements No person shall board, shelter, breed, or house chickens in Dingman Township without first obtaining from the Zoning Officer a permit therefore.

D. Regulatory Standards for the Keeping of Chickens

1. Only female chickens (hens) may be kept in Dingman Township. Male chickens (roosters) and neutered males (capons) are prohibited.

2. It shall be unlawful for the owner or owners of any chicken to allow the same to run at large upon any public or private property in the Township. Any chicken not contained within a chicken pen shall be deemed "at large." Chicken pens are prohibited in the front yard and within twenty-five (25) feet from the side and rear property lines.
3. Sanitary Requirements. All owners of chickens within the limits of the Township are hereby required to house the same at all times under sanitary conditions so that the keeping of chickens shall not become a public or private nuisance.

a. All chicken feces (manure) accumulated on private property shall be removed by using the approved sanitary method of double bagging and placing the same in the trash for collection unless composted on the same property as described herein or spread on a bona fide farm where the manure is being used as fertilizer under normal farming practices.

b. Chicken feces (manure) on private property shall not be allowed to accumulate to the degree that it becomes a a public health nuisance or hazard in cases where chicken feces (manure) do accumulate on private property the appropriate designee of the Township may conduct an investigation, after which the accumulation may be declare a public hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces (manure) in an approved manner. The order to remove such feces (manure) may be given personally to the owner or be sent by registered mail and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces (manure).

E. Composting - It shall be unlawful for any person to spread or cause to spread or deposit upon any ground or premises within the Township any chicken feces (manure) except for bona fide farming operations where the feces (manure) is being used as fertilizer under normal farming practices. However, chicken feces (manure) may be composted on the property where the chickens are housed, and the composted material

then applied to gardens and yards. No such compost pile shall be placed within 100 feet of any established residence not on the subject property, nor within 100 feet of any water well or body of water.

F. No person shall slaughter any chicken in the Township except for home use on the subject property.

G. All feed, water, and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice, and other rodents or vectors. Failure to keep all feed, water, and other items associated with the keeping of chickens in a clean and sanitary condition shall constitute a violation of this ordinance.

H. Keeping of Other Domestic Poultry - No person shall board, shelter, breed, or house domestic poultry other than chickens.

I. The sale, on or off the property, of agricultural products (including eggs) produced within the Township is strictly prohibited except on properties located in commercial zones after the issuance of the appropriate Township land use and other permits.

J. Number of Chickens

The minimum lot size to have chickens under this ordinance in the R-1-A district is one acre, and the maximum number of chickens may be kept as follows:

1 acre, 4 chickens
2 acres, 4 chickens
3 acres, 8 chickens
4 acres, 10 chickens
5 acres, 12 chickens
6 acres, 14 chickens
7 acres, 16 chickens
8 acres, 18 chickens
9 acres, 20 chickens

412.4 Wild Animals - No premises in any zone district shall be used or occupied, and no structure shall be erected or maintained for the harboring of any animals except those of a domestic, household, or agricultural type as provided for above. Wild animals such as wolves, large cats, reptiles, and other species not indigenous to the area shall not be kept in Dingman Township under any circumstances.

412.5 Enforcement - An accessory use permit shall be required for the establishment of a private stable or the keeping of domestic animals (not including household pets), and applicants shall demonstrate the means by which they will comply with this Ordinance. All residents shall comply with the restrictions and, if upon investigation of a complaint any person is found to be violating these provisions, that person shall be subject to the penalties and remedies of this

Ordinance after being given a ten-day period in which to eliminate the violation. Nothing herein, moreover, shall be construed to allow continuance of any nuisance or threat to health, safety, and welfare that might be created by the keeping of animals, regardless of conformity with these provisions. Such nuisances, as defined by the Second Class Township Code, are hereby prohibited, and nothing herein shall limit the right of the Township under said Code to eliminate such nuisances or the right of adjoining property owners to pursue civil remedies. A zoning permit shall be required for a public stable as provided herein.

412.6 Kennels -

A. A kennel may be permitted as a special exception use in any RC, RU, CP, and NC Zone district, only after the applicant demonstrates to the satisfaction of the Zoning Hearing Board that:

1. The applicant shall comply with all the applicable provisions of 3 P.S. § 459 and provide a copy of the kennel license to the Zoning Officer on an annual basis.

2. Kennel owners may reside on the same property as the kennel. If the owner does not reside on site, the kennel shall be staffed 24 hours per day, 7 days per week.

3. The property must be a minimum of 4 acres in size.

4. The kennel shall be designed so that no animal shall be permitted outdoors at any point closer than 100 feet to a property line nor less than 200 feet to any existing residence or R-1 district line. The Zoning Hearing Board shall be authorized to impose additional setbacks, buffers, and other measures to limit noise, odor, water pollution, and other impacts on adjacent properties.

5. The kennel buildings that are intended to house dogs will be designed with special consideration being given to the reduction of noise.

6. All kennels shall be considered commercial uses and shall meet the requirements set forth in Section 409 and have adequate parking in accordance with Section 601.2.

7. Kennels in the CP zone shall be exempt from the requirements of Section 423.

8. The applicant will provide the right of entry to the Township Zoning Officer and other appropriate officials as needed for enforcement of the Zoning Ordinance.

B. All kennels must be kept in a sanitary condition at all times and meet the following requirements:

1. All animal waste and unconsumed food shall be removed on a daily or more frequent basis. Fecal waste shall be disposed of as solid waste and stored in odor-proof, fly-proof containers. Fecal waste shall be removed from the property by a licensed solid waste hauler on a weekly or more frequent basis.

2. Water used in flushing the cages and runs shall be disposed of in a sewage disposal system approved for that purpose by the Department of Environmental Protection and the Dingman Township Sewage Enforcement Officer.

3. No dog may be permitted outdoors after 8:00 p.m. nor before 7:00 a.m.

4. Areas must be provided for both indoor and outdoor exercise of the animals. The exercise area must be enclosed by a fence satisfactory to contain such animals as may be kept by the kennel.

C. Nothing herein shall limit the right of neighboring property owners to pursue civil remedies in the abatement of nuisances that may be created by the kennel.

Section 413 - Large Hotels, Motels, Inns, and Resorts

413.1 The following standards shall be applied to all applications for conditional use permits under this Section.

a. The minimum lot or area eligible for such a permit shall be five (5) acres or one acre for every two units, whichever is greater.

b. All buildings and parking areas shall be set back a minimum of 100 feet from all public roads and all real property owned by persons or entities other than the hotel owner.

c. All buildings and parking areas shall be screened by natural topography or by the planting of coniferous matter such as arborvitae, fir, pine, spruce, hemlock or other similar vegetation acceptable to the governing body so as to render the buildings and parking areas invisible to any person standing on any public road or any real property owned by persons or entities other than the hotel owner with landscaping approved by the Township.

d. In addition to the parking spaces required for motels and hotels, entertainment areas open to non-guests, such as theaters, dancing or ballrooms, lecture halls, gaming rooms, convention rooms, and eating or restaurant areas. There shall also be one parking space for each racquetball or tennis court open to non-guests and one parking

space for every 200 square feet of indoor or outdoor swimming pool areas, weight rooms, exercise rooms or game rooms, or similar recreation or sports activities.

e. All structures must have the final approval of the Pennsylvania Department of Labor and Industry or its successor prior to the issuance of a certificate of occupancy by the Township. The same shall apply to any other state approvals required

f. There shall be no increase in stormwater runoff from the site over that runoff existing at the time of the enactment of this amendment.
g. All driveways and parking areas shall be constructed in accordance with the design and construction standards established by the Township Board of Supervisors in the Township Subdivision and Land Development Ordinance and such other ordinances as may apply.

h. No certificate of occupancy shall be issued until all conditions attached to the permit and all facets of the approved plans have been constructed and completed.

Section 414 - Natural Resource Uses

Natural resources uses shall be permitted only in the CP District and the RU District and shall be considered conditional uses, and shall comply with all applicable state and federal requirements as well as the standards in this Section 414 and this Ordinance. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

Natural resource uses with an open face of twenty-five thousand (25,000) square feet or less and which will not result in a total disturbed area of forty three thousand five hundred sixty (43,560) square feet over the life of the site, and which do not involve the on-site use of any processing or manufacturing equipment shall be hereinafter referred to as "minor natural resource uses". Minor natural resource uses shall be permitted in any District and shall be considered conditional uses. The duration of the minor natural resource use removal process shall not exceed one hundred eighty (180) days, and reclamation of the entire site shall be completed within one (1) year of the issuance of the conditional use permit.

414.1 Operational Requirements

a. Vibration - Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.

b. Blasting - Blasting shall be conducted in accordance with State regulations. However, no blasting shall be permitted in association with a minor natural resource use.

c. Emissions - The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling, staining, irritation, or

damage to persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.

d. Fencing - The applicant shall submit to the Township for approval by the Board of Supervisors a fencing plan which shall provide for the protection of the public health, safety, and welfare by restricting public access from areas of steep slopes, ponds, and/or other hazards. The Township shall determine the type and extent of fencing required as part of the conditional use process. However, in no case shall any fence be less than six (6) feet in height, and all required fencing shall be of such design to restrict access. In all cases, fencing shall be required wherever the natural resource use abuts a public road right-of-way or whenever the slope of an excavation exceeds a slope of greater than 1:1 for a face height of more than twelve (12) feet. All fence openings to provide access to the site shall be controlled by a gate and locks.

e. Setbacks/Buffers - The setback and buffers in this Section shall be considered the minimum requirements. The Township, as part of the conditional use process and in accordance with Section 409, shall require larger setbacks, buffers, or fencing in cases where the size of the operation, the topography, vegetation, or other physical features of the site, uses on adjoining properties, or other public concerns dictate the same.

1. Residential - When adjacent to a Residential District or existing residence, no stockpiles, waste piles, processing or manufacturing equipment, subsurface mine entry location or facilities, and no part of the excavation or quarrying pit shall be located closer than two hundred (200) feet to such Residential District, Limited Neighborhood Development District, or existing residence.

2. Street - From the right-of-way line of a public street or highway, no part of a quarrying or excavating operation shall be closer than one hundred (100) feet. Where both sides of the right-of-way are in a quarry or excavation operation in single ownership, the required street setback may be reduced to fifty (50) feet on each side of the right-of-way.

3. General Property Line Setbacks:

a) Commercial Use - No parts of the quarrying or excavating operation shall be located closer than two hundred (200) feet to property in a Neighborhood Commercial District or any of the uses permitted therein.

b) Conservation Use - No part of the quarrying or excavating operation shall be closer than one hundred (100) feet to property in a Conservation District or any of the uses permitted therein.

4. Minor Natural Resource Use Setbacks - The setbacks in Subsection 1,2 and 3 above may be reduced in the case of a minor natural resource use; however, setbacks for minor natural resource uses shall be, at a minimum, increased to

two (2) times the normal setbacks required for principal permitted uses for the subject District as provided in the Schedule of Development Regulations.

f. Water Resources - In no case shall any use impede the flow of natural watercourses, and all uses or processes which pollute watercourses shall be prohibited. Collection of water in any excavation or quarry shall be avoided except as necessary for soil sedimentation control, and the Township may require the developer to provide stormwater management facilities to control drainage to excavated areas. Any ponds or other standing water shall not be permitted to become stagnant.

g. Lot Coverage - Disturbed areas of a minor natural resource use shall not exceed the maximum lot coverage of the subject District as required for principal permitted uses in the Schedule of Development Regulations.

h. Subsidence - All mining operations shall be conducted in such a manner to prevent any subsidence of the surface of the site.

414.2 Submission of Operational Data for Natural Resource Uses - The operations plan shall include, but need not be limited to:

a. Ownership and acreage of the land proposed for use shown on a certified property boundary survey.

b. Type of resources to be extracted or quarried, method of excavation, sequence of construction and excavation activities, and estimated amount.

c. Topographic map of the property showing, at a minimum, two (2) foot contours, the change in natural grade, and the estimated depth of the proposed operation.

d. Location map at a scale of one (1) inch = one hundred (100) feet, which shall show:

1. The land area to be excavated or quarried, with dimensions and the total property.

2. Private access roads and abutting streets and highways.

3. Abutting and/or adjacent districts and land uses.

4. Existing watercourses and proposed alterations to assure stream quality and quantity.

5. Fencing and buffer planting. If fencing is to be vegetation, details of the size and type shall be provided.

6. Title, scale, north arrow, and date.

7. Ownership/property owners covenants/deed restrictions.

e. A report setting forth the number and gross weight of trucks associated with the operation, the Township roads to be utilized by said trucks, and the probable effect of the truck traffic on the condition of the roads. Said information, along with the advice of the Township Engineer, shall be used by the Board of Supervisors to establish conditions of approval to mitigate road impacts for the proposed use if such approval is granted. Such conditions may include, but not be limited to, a bond or other financial guarantee in a form, amount, and term as approved by the Township, and posted by the developer for the repair of any Township road which may be affected by the proposed operation.

414.3 Rehabilitation and Reclamation Plan for Natural Resource Uses. At the time the operations plan is submitted, a rehabilitation and reclamation plan shall also be submitted, setting forth the following information:

a. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and legal description of the tract.

b. A description of the location, type, extent, methods, and time schedule for the operations proposed.

c. A drawing showing the location and/or proposed relocations of land, trees, buildings, structures, public roads, streams, drainage facilities, and utility lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition, restoration either during or following completion of the operations proposed.

d. A statement describing methods for handling operations with respect to "Operational Requirements", plus any drainage, air pollution, soil erosion or other environmental problems created during the operations, including production, transportation, processing, stockpiling, storage, and disposal of by-products and wastes.

e. A detailed plan for re-use of the land after completion of the operations, which shall provide for the restoration of the site in accordance with this Ordinance and appropriately provide for any restoration, reclamation, reforestation, or other correction work deemed necessary. The plan shall include the types and density or number of trees and other vegetative plantings.

f. A soil erosion and sedimentation control plan and stormwater control plan meeting the requirements of the County Conservation District and the Township Subdivision and Land Development Ordinance. In no case shall the post-development stormwater discharge from the property exceed the pre-development discharge.

414.4 General Rehabilitation - Reclamation Requirements and Standards for Natural Resource Uses.

a. Time - Within a time frame approved by the Board of Supervisors, but in no case to exceed three (3) years after the termination of operations, the area shall be rehabilitated to comply with the rehabilitation plan as approved.

b. Standards - In the rehabilitation of an area, the following standards must be met:

1. No area of rehabilitation shall exceed a slope of 2:1.

2. The entire area disturbed by resource excavating, quarrying, mining, or other natural use shall be planted in such a manner so as to control soil erosion.

3. The entire area shall be graded wherever necessary to provide for the conveyance of stormwater. Finished grade shall not have a slope of less than two (2) percent so as to provide for natural drainage.

4. Stockpiles, overburden, refuse, plant facilities, or equipment shall be removed immediately upon the termination of operations, and in no case shall such removal exceed one (1) year.

5. Any required buffers, plantings, or fencing shall be continuously maintained in good repair.

6. All fill to be brought to the property must be clean, free of debris, and of natural composition. Specifically, no residual construction debris or other waste, whether solid, hazardous, or inert, will be permitted to be used on the site. All fill material is subject to the acceptance of the Township. The fill material shall be compatible with the proposed ultimate end use of the site.

414.5 Existing Natural Resource Uses. - Operations existing prior to the effective date of this Ordinance that are non-conforming as to setback requirements shall not be required to correct such existing non-conformity. A rehabilitation plan and performance guarantee, and any required fencing and/or buffers shall be provided within six (6) months after the effective date of this Ordinance, as amended. A plan meeting the requirements of this Section 414, for existing natural resource uses, shall be submitted to the Township within three (3) months of the effective date of this Ordinance, as amended.

414.6 Non-Conforming Uses - Expansion of any natural resource use which is nonconforming as to Zoning District location shall be limited to the specific type of existing non-conformity, and any expansion to include natural resource use processing use(s) such as, but not limited to, stone crushers, cement plants, and asphalt plants, shall not be permitted.

414.7 Performance Guarantee - Prior to the approval of a plan for any natural resource use, the applicant shall provide to the Township a bond, letter of credit or other performance guarantee, in a form and amount approved by the Township, to assure the reclamation and rehabilitation of any new or existing natural resource use. The term of the guarantee shall be for a period of 90

days in excess of the time period established in Section 414.3, Subsection B. (See also Section 414.2, Subsection E for road bond.)

414.8 Sections - Nothing herein shall prohibit the development of a natural resource use in phases or sections, for the purposes of performance guarantees. However, the plan submitted shall include the details of the complete proposed use to include all sections, with the performance guarantee provided for each section prior to the development of sections.

Section 415 - Multi-Family Dwelling

Multi-family dwellings are permitted as Conditional Uses in certain districts to provide opportunities for the construction of a variety of housing types in the Township. Due to the unique developmental considerations associated with multi-family dwellings, the following standards shall apply to all multi-family dwelling proposals, in addition to the Conditional Use Standards contained in Section 404 of this Ordinance.

415.1 Procedure - Multi-family dwelling projects shall be considered land developments subject to the Township Subdivision and Land Development Regulations. This classification shall apply to all subdivisions of property in connection with the development, including parcels used for building and open space, and the approvals required shall be processed concurrently. Applications for preliminary land development approval and conditional use approval of multi-family dwelling projects shall be made to the Township Planning Commission in the manner provided in the Subdivision Regulations and simultaneously with the Conditional Use application made hereunder. The developer shall submit all information required by the Subdivision Regulations and the following additional information:

a. A written conditional use application for the multi-family dwelling project indicating how the project will specifically meet the conditional use standards contained in Section 404 of this Ordinance.

b. Proposed plans including all information necessary to demonstrate compliance with this Ordinance and the Subdivision Ordinance, including, but not limited to:

1) All information required by Section 604 of Subdivision Regulations.

2) Location of all project improvements, including:

a) Buildings

b) Streets and parking areas

c) Landscaping and planting strips

d) Stormwater management facilities

e) Water supply and distribution systems

f) Sewage collection and treatment systems

g) Street lighting and parking area lighting

h) Building setbacks from property lines and other improvements shall be specifically shown

3) Building construction specifications including floor plans and profiles and showing any common use or ownership areas.

4) Construction specifications for all other project improvements.

5) Designated open space areas.

6) Density calculations pursuant to Section 415.2.

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

The application package shall be processed on a schedule identical to the requirements for review and approval of Preliminary Plans pursuant to the Township Subdivision Regulations, including providing the County Planning Commission with a thirty (30) day opportunity to review the entire application package. The Township Planning Commission, before recommending action to the Board of Supervisors, shall review the entire application. The Commission shall then report its findings together with a recommendation indicating whether the conditional use criteria contained in Section 404 will be satisfied. The Board of Supervisors shall act on the Preliminary Plan, conditional use, and "Planning Module for Land Development" concurrently, making the Preliminary Plan approval and conditional use approval, if such approvals are granted, subject to approval of the Planning Module by the Pennsylvania Department of Environmental Protection (DEP). No building permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Plan, including DEP approval of the "Planning Module," shall have been satisfied, and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary Plan approval. If the Preliminary Plan shall be rejected, no conditional use, building, or zoning permit shall be granted.

Following Preliminary Plan approval, the developer shall provide for the installation of all required or proposed improvements, including but not limited to streets, parking areas, storm drainage facilities, sewage disposal facilities pursuant to a valid sewage permit, recreational facilities, and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as: (1) Final Plan approval shall have been granted pursuant to the Subdivision Regulations; and (2) buildings have been completed and inspected by the Zoning Officer; and all improvements required to serve the unit in question have been installed and approved.

Complete final building plans shall also be submitted as part of the Final Plan Application. Such building plans shall substantially conform to the floor plans submitted for purposes of determining floor area ratios and shall not include more floor area than approved at the time of Conditional Use approval. All Conditional Use approvals of such projects shall specify the total floor area to be permitted.

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

415.2 Parcel Size and Density - All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous. The following minimum parcel sizes and maximum floor areas shall apply in place of Section 306 minimum lot area per dwelling standards:

Multi-Family Dwelling Type	Minimum Parcel Size	Minimum Floor Area Ratio
Townhouses	3	0.125
Apartment Building	3	0.100

The maximum floor area permitted shall be calculated after deducting the following from the lot area:

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

b. Land contained within the rights-of-way of existing or proposed private streets, parking areas, and sewage facilities. Where formal rights-of-way are not involved, the width of all streets shall be assumed as fifty (50) feet;

c. Land contained within the boundaries of easements previously granted to public utility corporations providing electric or telephone service, and any petroleum pipeline rights-of-way;

d. The area of waterbodies, including lakes, ponds, and streams (measured to the normal high water mark on each side); floodplains, wetlands; quarries; areas with a slope of twenty-five (25) percent or greater, and areas used for improvements and other common areas (not including dwelling units); and multiplying the remainder by the applicable floor area ratio.

As an example, a five-acre lot (217,800 square feet), with 30,000 square feet of deductions for roads, water, and utility easements, would yield 187,800 square feet of net lot area, which, multiplied by a floor area ratio of 0.125, would yield 23,475 square feet of permitted floor area. This, in turn, would yield 18.78 dwelling units (maximum of 15.65 units) at an average floor area of 1,500 square feet per unit.

415.3 Location - No multi-family development shall be permitted within one hundred (100) feet of any District where multi-family dwellings are not permitted unless there shall be a one hundred (100) foot setback of all buildings and project improvements from the property lines of any adjacent parcels. Project improvements include streets, parking areas, lighting, storm water management facilities, sewage treatment facilities, effluent disposal areas, signs, and recreational facilities.

415.4 Open Space

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

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

1) Dedication to a property owners' association, which assumes full responsibility for maintenance of the open space.

2) Deed-restricted private ownership, which shall prevent development of the open space, provide for its maintenance, and protect the rights of owners or occupants of the dwelling units of the particular project to use and enjoy, in perpetuity, such open space.

415.5 Water and Sewage. All multi-family developments shall be served with central or community on-lot sewage facilities and central water supplies. Effluent disposal areas shall not be placed upon individual lots and shall be a minimum of ten (10) feet from any public road right-of-way or exterior development property line. The Township may, in its discretion, require hydrogeology studies, which identify the potential impact on the groundwater from the proposed

disposal system and the use of denitrification technology for systems servicing more than ten dwelling units and may require a larger setback for such systems. A reserve area suitable for a replacement disposal area equal in size to the required area shall be provided and so identified on the plan.

415.6 Buildings

a. The number of dwelling units in a multi-family dwelling building shall not exceed:

1) eight (8) units for townhouses

2) eight (8) units for garden apartments

3) ten (10) units for apartment buildings

b. All multi-family buildings shall have the final approval of the Pennsylvania Department of Labor and Industry prior to the issuance of a certificate of use by the Township.

415.7 Setbacks

a. No structure shall be constructed within fifty (50) feet of any access road to or through the development or within ten (10) feet of any parking area.

b. All multi-family buildings shall be separated by a distance at least equal to the height of the highest adjoining structure.

c. All multi-family structures shall be a minimum of fifty (50) feet from any exterior property lines and fifty (50) feet from any public right-of-way.

d. Where a property line is not wooded, a planting strip of fifty (50) feet in width shall be required to buffer adjoining property owners and ensure privacy. The planting strip shall be included in the landscaping plan required in Section 415.10.

415.8 Street and Parking

a. No multi-family development shall be served by more than one entrance and one exit from any public highway, unless topographic or other physical circumstances dictate the use of more than one access for safety reasons. Such entrance and exit shall be well defined by curbing, fencing, landscaping, or other means to prevent vehicular access by any means other than the defined entrance and exit.

b. Parking shall comply with Article VI of this Ordinance. In addition to the 2.0 spaces per unit required by Article VI, there shall be provided for every two (2) units intended for rental or other transient occupancy, one additional space to accommodate parking needs during sales and other peak visitation periods. No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being

separated by landscaping as required in Section 415.10. All off-street parking shall be adequately lighted and so designed as to direct light away from residences. No parking space shall be designed such that a vehicle would back or drive onto a through road, and a defined entrance and exit shall be provided for each parking area.

c. All streets proposed as part of the development shall comply with the design standards for streets pursuant to Section 703 of the Township Subdivision Regulations, and the subgrade and base of all parking areas and driveways shall be constructed in accordance with Section 703.4 of the Subdivision Regulations. Any access way or road serving more than three (3) dwelling units shall be considered a road and shall comply with all the requirements of this Section 415.8. The completed base of all streets (to the width of the cartway), parking areas, and driveways shall be topped with a base course of ID2 bituminous material meeting the Pennsylvania Department of Transportation, Form 408 specifications to a depth of one and one-half (1-1/2) inches. A final wearing course of ID2 bituminous material meeting Form 408 specifications to a compacted depth of one (1) inch shall then be applied to all streets (to the width of the travelway), parking areas and driveways. Shoulders shall be Type Seven as outlined in Form 408. Parking areas and driveways shall be designed to provide adequate drainage.

415.9 Stormwater Management - The stormwater management improvements provided for the project shall meet the requirements of the Subdivision Regulations and the intent of the Pennsylvania Stormwater Management Act, Section 13 to assure that (1) the maximum rate of stormwater run-off is no greater after development than prior to development activities or (2) the quality, velocity and direction of the resulting stormwater run-off is managed in a manner which otherwise adequately protects health and property from possible injury.

415.10 Landscaping - A landscaping plan for the proposed multi-family project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installations.

Landscaping shall be installed to the following minimum standards:

a. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to the buildings and walkways shall be given extra consideration.

b. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.

c. Plants shall be of a type that is proven successful in Dingman Township's climate.

d. Where landscaping is required to serve as a buffer (eg, between the project and adjoining properties or between buildings and parking areas), the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.

e. The variety of landscape materials shall be consistent with building architecture, and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
f. All unusable areas in and around parking areas shall be landscaped.

g. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.

h. Plastic landscape materials shall not be used with the exception of permeable weed control material.

i. All trees to be planted shall have a trunk diameter of at least three-quarters (3/4) inch as measured one (1) foot above the ground, (fifteen-gallon minimum size container).

j. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.

k. All shrubs not used for ground cover shall be at least (5) gallons in size.

l. Adequate soil preparation in accordance with accepted landscape industry practices shall be required.

m. All landscaping shall be maintained in good growing condition by the developer or the homeowners' association.

415.11 Non-Residential Use - Non-residential uses shall not be permitted in a multifamily development. Such ancillary facilities as laundry areas, service buildings, recreational facilities, or similar uses for the sole use of the residents of the project shall be permitted.

415.12 Conversions of Existing Structures - Conversions of motels, hotels, or other existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be considered land developments and shall be subject to the provisions of this Section 415. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

Section 416 - Bus Shelters

Bus shelters are permitted as conditional uses in all Districts. In addition to all other applicable local and state standards and regulations, the following additional standards shall apply to bus shelters:

416.1 Permit. A permit shall be required for the erection of a bus shelter and application shall be made by the owner of the property upon which the shelter is proposed to be located. Said application shall be processed in the manner provided by this Ordinance for conditional uses.
416.2 Plan. The application shall include a plot plan of sufficient detail to accurately show the location of the shelter in relation to property lines and any affected road right-of-way.

416.3 Use and Removal. No bus shelter shall be used for any other use, and all bus shelters shall be removed when the use of such shelter is no longer required due to a change in bus routes or stops, or due to lack of passenger demand at the shelter site.

416.4 Location. Bus shelters shall not be located in such a manner that would cause a bus to stop in a manner that would create a dangerous condition affecting the passage of other vehicles on the same road or at any intersection.

416.5 Setbacks. Bus shelters shall not be located less than twenty-five (25) feet from the paving edge of any public or private road.

416.6 Visibility. No bus shelter shall be located in such a manner that would violate the clear sight triangle requirements of Section 403.3 of this Zoning Ordinance or any other local or State standards for sight distances.

416.7 Signs. No sign or any other type of advertising shall be placed upon any part of a bus shelter.

416.8 Size. A bus shelter shall not exceed one hundred and fifty (150) square feet in floor area, and the maximum height of a bus shelter shall not exceed eight (8) feet.

416.9 Construction/Maintenance. All bus shelters shall be constructed of durable materials meeting the construction standards for residential garages as provided by the Dingman Township Building Code, except that a bus shelter may be erected on a slab of reinforced concrete six (6) inches in depth. One side of said bus shelter shall remain open and not be enclosed by a wall or door.

Section 417 - Shopping Centers and Malls

1. This section intends to provide standards for the flexibility of design of shopping centers and malls (hereinafter referred to as "establishments") while at the same time, to assure the compatibility of the commercial development with the surrounding rural character of Dingman Township and market needs of the area. This shall be accomplished by: Siting buildings, parking areas, and other facilities and improvements based upon the particular topography of the development site;

2. Conserving environmentally sensitive areas such as wetlands and steep slopes;

3. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposal;
4. Designing parking areas to complement patterns of traffic flow and providing adequate off-street parking for establishment patrons;

5. Maintaining natural vegetation to the greatest extent possible and providing landscaping as an integral part of the overall design of the establishment and parking areas;

6. Considering the impact of stormwater, noise, traffic, and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

417.1 Conditional Use and Land Development. Any proposed establishment shall be considered a conditional use and shall in addition to the conditional use criteria in Section 404, the commercial standards found in Section 409, and other applicable requirements of this Ordinance, be subject to the requirements of this Section 417.

Said proposal shall also be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and the Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as providing the information which follows: (The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.)

a. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;

b. A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the project site.

c. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes.

d. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.

e. Location, arrangement, and dimensions of truck loading and unloading spaces and docks.

f. Location and dimensions of pedestrian entrances, exits, walks.

g. Location, height, and materials of walls, fences, screen plantings and other landscaped areas.

h. Preliminary architectural drawings for all buildings.

i. Location, size, height, and orientation of all signs other than signs flat on building facades.

417.2 Ownership - The site proposed for establishment shall be held in single ownership or in unified control, and the applicant shall provide to the Township evidence of said ownership and/or control.

417.3 Market Analysis - To assure that the commercially zoned districts in the Township are committed to development which best provides for the public interest and community welfare, the Township, as part of the conditional use process, may require the applicant to submit a market analysis which shall contain the following information:

a. Trade area of the proposed establishment.

b. Population of the trade area, present and projected.

c. Effective buying power and/or office space demand in the trade area, present and projected.

d. Net potential customer buying power and/or office space demand for space in the proposed establishment, and on the basis of such buying power and/or office space demand, the recommended store and office types and floor areas.

e. Residual amount of buying power and/or office space demand and how it may be expected to be expended in existing business areas serving the proposed trade area.

f. Any other information deemed necessary by the Township to assess the subject proposal.

417.4 Parcel Size - The minimum parcel size for an establishment shall be one (1) acre.

417.5 Maximum Lot Coverage - The maximum lot coverage of the site shall not exceed that established for the NC District. Areas to be included in the lot coverage are all areas covered by buildings, parking areas, access roads, walkways of any construction type, onsite sewage disposal systems, stormwater management facilities, and any other impervious surface.

417.6 Setbacks - All structures proposed as part of the establishment shall, at a minimum, comply with the setbacks established for the subject District or as may otherwise be required by the Township in accordance with this Ordinance.

417.7 Street and Parking Area Improvement - All streets proposed as part of the development shall comply with the design standards for streets pursuant to Section 703 of the Township Subdivision Ordinance, and the sub-grade and base of all parking areas and driveways shall be constructed in accordance with Section 703.4 of the Subdivision Regulations. The completed base of all streets (to the width of the cartway), parking areas, and driveways shall be topped with a base course of ID2 bituminous material meeting the Pennsylvania Department of Transportation, Form 408 specifications to a depth of one and one-half (1 - 1/2) inches. A final wearing course of ID2 bituminous material meeting Form 408 specifications to a compacted depth of one (1) inch shall then be applied to all streets (to the width of the travelway), parking areas, and driveways. Shoulders shall be Type Seven as outlined in Form 408. Parking areas and driveways shall be designed to provide adequate drainage. Tenant Information and Approvals - The prospective uses of each tenant space in a proposed Shopping Center or Mall shall be identified by individual use classifications provided on the Schedule of District Regulations (e.g., Specialty Shop, Business and Professional Office, Service Establishment). Such identification shall be made at the time a Conditional Use application is submitted and used for purposes of evaluating cumulative traffic impacts, parking requirements, and other design needs having a bearing upon the imposition of conditions attendant to Conditional Use and land development approvals. Subsequent changes in proposed tenant uses by use class shall require plan modifications as provided in this Ordinance and in the Township Subdivision and Land Development Ordinance. Changes in tenant uses subsequent to plan approvals shall be subject to Section 705.4 of this Ordinance.

Section 418 - Reserved

Section 419 - Traffic Study

Certain development proposals are hereby classified as having major impacts on the road system in the Township. Such proposals shall be considered conditional uses and shall be subject to additional review criteria and development standards so that such concerns may be adequately addressed.

In cases where, upon the determination by the Township, the proposed establishment would have a significant traffic impact on the area road network, the Township shall, as part of the conditional use process, require the applicant to submit a traffic impact study. The Board of Supervisors shall use the results of the study as a basis for establishing conditions of approval that will mitigate to the greatest extent possible any impacts identified.

The classification as a conditional use and the requirement for the submission of a traffic study by the developer shall be determined from estimated project trip generation rates. A traffic study shall be required:

1. for any use established after the effective date of this Ordinance, which will generate more than two hundred fifty (250) trip ends per day; or,

2. for any use established after the effective date of this Ordinance which will generate more than twenty-five (25) trip ends per day of trucks of a commercial or heavier class; or,

3. for any expansion, which takes place after the effective date of this Ordinance, of an existing use which causes the resulting, expanded use to generate the level of trip ends outlined in sections 1 or 2 herein; or,

4. for the expansion of a use for which a traffic study has previously been provided, where such expansion alone, or when combined with previous expansions, will generate an additional two hundred fifty (250) or more trip ends per day, or twenty-five (25) or more trip ends per day of trucks of a commercial or heavier class.

5. Contractor warehouses, where permitted, shall be limited to a maximum of 25 tripends of projected weekday traffic daily. All other warehouses shall be subject to the performance of a traffic study hereunder if projected weekday traffic exceeds 25 trip-ends of projected weekday traffic daily.

The requirements of this Section shall also be applied to any proposed use, which, for reasons of location, design, existing traffic or other environmental considerations, as determined by the Township, warrants the application of the study and development standards contained herein. Any commercial use permitted in the CP - Conservation and Parks District, which is governed by Section 423 of this Zoning Ordinance, may also require a traffic study as part of the conditional use application.

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

USE	TRIP ENDS PER DAY

Resort/ recreation housing with transient occupancy	11.8 per dwelling unit
Single-family residential units, or subdivisions	10.1 per dwelling unit
Two-family and Multi-family residential uses	10.1 per dwelling unit
Mobile home parks and other residential uses	7.6 per dwelling unit
RV parks and campgrounds	10.4 per campsite
Hotel, motel, or other lodging houses	13.4 per sleeping unit
Commercial recreation space	5.4 per vehicle parking
Boat liveries	10.0 per boat berth
Office buildings	28.8 per 1000 GSFBA*
Medical office buildings	99.0 per 1000 GSFBA*
Restaurants	139.3 per 1000 GSFBA*
Fast food drive-thru restaurants	828.0 per 1000 GSFBA*
Car sales facilities	79.0 per 1000 GSFBA*
Convenience store	351.7 per 1000 GSFBA*

* GSFBA = gross square feet of building area: The sum of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing headroom (6 feet, 6 inches) regardless of their use. Where aground level area, or part thereof, within the principal outside faces of the exterior walls is left unenclosed, the gross area of the unenclosed portion is to be considered as part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, shall not be included in the area calculation. For purposes of the trip generation calculation, the gross area of any parking garages within the building shall not be included within the gross area of the entire building.

** GSFLA = gross square feet of leasable area: The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, and measured from the centerline of joint partitions and from outside walls.

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

The transportation impact report is designed to identify the transportation (traffic) impacts and problems that are likely to be generated by the proposed use, as well as improvements required to ensure safe ingress to and egress from the development, maintenance of adequate street capacity, and elimination of hazardous conditions. The transportation impact report shall include the following:

a. A detailed description of the highway network within one mile of the site, including all intersections, and railroad grade crossings, proposed ingress and egress locations, existing roadway widths and right-of-ways, and existing traffic control devices.

In cases where the development has direct access to a road other than an arterial or collector, the detailed description shall be made to include one (1) mile beyond the intersection with the next collector or arterial.

b. A detailed description of existing traffic conditions for all roads which have direct access to the proposed development site, including assembly of average daily traffic data accumulated by the Pennsylvania Department of Transportation since 1970, and a map plotting of all highway accidents of which the Department has record, as well as an analysis of the causes of such accidents. A 24-hour traffic count may also be required for a period of 7 consecutive days on each road with direct access. The existing average daily traffic volume and the highest average peak hour volume for any weekday hour between 3 PM and 6 PM or any weekend hour between 10 AM and 10 PM shall be recorded. Seasonally adjusted figures based on patterns observed by the Department shall also be prepared.

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

d. Highway and intersection capacities (maximum safe traffic volumes) shall be determined for each of the roads with direct access to the proposed development.

This portion of the report shall be prepared in consultation with the Township Engineer, who shall, in turn, consult with the Pennsylvania Department of Transportation regarding roads under Commonwealth jurisdiction. Critical elements to be considered in these calculations are: land and shoulder widths, restricted clearances, passing distances, percentages of trucks or buses, grades, average speeds and restrictions, numbers and characters of driveways and private accesses, percentages of right-hand and left-hand turns, alignment, roadway surfacing, and general condition of the highway.

e. Projected total future traffic demands (during peak periods and on an average basis) shall be calculated for all roads with direct access to the proposed development.

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

f. For proposed uses that involve the use of heavy trucks as an intregal part of the operation of the use or involve the sale or purchase of goods or products that require the use of a large volume of heavy trucks, the impact report shall include an analysis of the capabilities of the roads servicing the proposed use to carry the weight and volume of the truck traffic anticipated. Such analysis shall include an evaluation of the cross-section construction of said roads, including drainage, base material, binder material, and wearing course, as well as construction of shoulders. The report shall also include a statement setting forth the types, gross weights (loaded), and numbers of trucks involved with the proposed use. No use shall be permitted that will result in the accelerated deterioration of any public road servicing the proposed use.

Section 420 - Flea Markets and Garage Sales

420.1 Definitions

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

FLEA MARKET - A sale of items of tangible personal property wherein, on one (1) location, there are multiple vendors occupying spaces allotted to each such vendor for the purpose of displaying and selling items of tangible personal property.

GARAGE SALE - Includes but shall not be limited to lawn sales, attic sales, rummage sales, and any similar casual sale of tangible personal property owned by person(s) which takes place on lands owned by said person holding the sale and which is advertised by any means whereby the public at large is or can be made aware of said sale. This section shall not apply to the sale of all or substantially all of the contents of a home through an estate sale or similar sale or to the close-out sale of a business.

420.2 Flea Markets

No person, firm, or corporation may conduct, organize, sponsor, or otherwise manage a flea market unless it does so pursuant to the following requirements:

A. Each such entity desiring to conduct a flea market shall, at least thirty (30) days prior to such sale, file with the Township Zoning officer an application for same on a form provided by the Township.

B. The Application shall set forth the following:

(1) Name of the sponsoring organization

(2) Name of the owner and location of the property upon which the sale is to be held

(3) Written consent of the owner if different from the applicant

(4) Number of days and dates of the sale

(5) Date, if any, of prior sales with the past calendar year by the same applicant(s) or on the same lot or parcel of land

(6) Whether or not the sale will be indoors or outdoors

(7) Adequate provisions for off-street parking for the sale

(8) A statement that the information contained in the application is true and correct made pursuant to the provisions of the false signing law.

C. No fee shall be required of any such organization or participant to be paid to the Township for conducting the sale when such sale occurs less than three (3) times in any twelve (12) month period. A special permit will be issued by the zoning officer for such an operation. The flea markets permitted by this section may take place in any district.

D. Any organization or participant desiring to hold a flea market three (3) or more times in any twelve-month period shall apply for a conditional use permit and pay the fees established for such an application. The flea markets permitted under this section shall be permitted in the Resort Commercial and Neighborhood Commercial Districts only.

E. Flea Markets shall be conducted only between the hours of 9:00 AM and 5:00 PM. Permittees shall be permitted two (2) rain days, provided the sale is not open for business at all on the day(s) affected by rain.
F. The permit for the conducting of such sale must be prominently displayed upon the premises upon which the sale is held throughout the entire period of the sale.

420.3 Garage Sales.

Any person, partnership, corporation or other entity may conduct a garage sale, as defined herein, in any district under the following terms and conditions:

A. An application shall be filed with the Township Zoning officer at least ten (10) days before the commencement of such garage sale and before any public advertising of such sale may commence. The application shall be on a form provided by the Township and shall set forth the following:

(1) Name and address of the applicant

(2) Location of the sale

(3) Date of the sale

(4) Date of any other such sales held by the same party within the preceding twelve (12) month period by the same applicant(s) or on the same lot or parcel of land

(5) Certification that the goods for sale were not purchased by the applicant for purposes of resale

(6) Sworn statement that the information contained in the application is true and correct made pursuant to the provisions of the false signing law.

B. Upon the filing of said application, it shall be reviewed by the Township Zoning Officer, and if found to be complete and accurate, the Zoning Officer may issue the permit, which shall be subject to the following restrictions:

(1) Hours of sale shall not exceed 9:00 AM to 5:00 PM

(2) Such permit shall be issued to any one person or group of persons or for any one lot or parcel of land only four (4) times within the calendar year and no such permit shall be issued for more than a two (2) consecutive day period or three (3) consecutive days on a State or Federally recognized holiday weekend such Labor Day;; provided, however, that where the sale is to be conducted on a Saturday and Sunday and the sale is completely postponed (for either or both days) because of inclement weather, the sale may be held on the same days of the following weekend. When the sale is being held during the week, and such a weather-related postponement occurs, the applicant may hold the sale on the next day with appropriate weather.

(3) The permit issued for each such sale must be prominently displayed on the premises upon which the sale is held for the entire period of the sale

(4) All signs advertising the sale shall be posted only on the lot or parcel of land upon which the sale is to be held and no earlier than one week before the sale.

Any sign posted in conjunction with the sale shall be removed from public view within twenty-four (24) hours of completion of the sale

(5) No fee shall be required of any such organization or participant to be paid to the Township for conducting the sale.

420.4 Restoration of Premises upon Completion of Sales

Immediately upon the conclusion of any sale authorized by this section, the permittee shall be required, within twenty-four (24) hours of completion of the sale, to clean up the sale premises and remove any unsold goods therefrom and restore the site to its original condition prior to the sale.

420.5 Exception to Provisions

The provisions of this section shall not apply to the following:

A. Persons selling goods pursuant to a court order on the premises of the creditor or debtor.

B. The sale of an item or items of personal property pursuant to a newspaper advertisement wherein such item or items are specifically described in the advertisement, they do not exceed five (5) in number, they are not displayed outside the building on the premises, and no signs are posted on the premises referring to the same.

420.6 Violations and Penalties.

Any person, association, partnership, corporation or other entity that shall violate any of the provisions of this ordinance is subject to revocation of their permit and shall also, upon conviction of any violation hereof, be subject to a fine not to exceed six hundred ($600.00) dollars per day for each violation. Each day upon which a violation occurs shall be considered a separate violation. 420.7 Enforcement Notwithstanding any law to the contrary, this ordinance shall be enforced by the Township Supervisors or their designee.

Section 421 - Model Homes

421.1 Procedures

(a) The placement of a model home or homes on a parcel or parcels of land shall be considered a Land Development and shall comply with the requirements of the Dingman Township Subdivision and Land Development Ordinance. Model Homes shall be treated as conditional uses.

(b) If approval is granted for the placement of a model home or homes, an annual permit shall be required. Requests for such permits shall be submitted annually to the zoning officer and shall be granted upon inspection by him to confirm compliance with all required standards. If the model home is found to be in violation of any required standards, the permit shall be revoked until compliance is achieved.

(c) If approval is granted for the placement of a model home or homes, the owner shall be required to provide security or bond to cover removal cost of a model home upon expiration of the annual permit or upon continued violation of the required standards. Said security shall be in a form approved by the Township.

421.2 Criteria

(a) Model Homes shall be permitted only on the same parcel or parcels with a sales office or developer's office.

(b) Model Homes shall not be placed on permanent foundations.

(c) Model Homes shall not be served by any water supply nor sewage disposal facilities.

(d) Model Homes shall comply with the yard and height requirements for principal commercial structures and shall be included in the maximum lot coverage requirement. No model home shall be located closer than twenty (20) feet to any other model home or principal structure; said setback requirement is for safety purposes and is in addition to the standard yard requirements from all property lines.

(e) Model Homes shall comply with the Dingman Township Building Regulations and the current BOCA Code. (f) No Model Home shall be used as an office.

(g) Model Homes may include all stick-built houses and all manufactured houses that can meet these requirements.

(h) In the case of manufactured or modular houses, the township may require sufficient area on site for the storage of manufactured units during the time period between delivery from the factory and installation on the lot.
(i) The provisions of Section 421 shall not apply to houses built or installed by the builder or developer for residential purposes on a single lot which is intended for sale as a residence, even though such a house may be shown as a model by the builder or developer pending its sale.

Section 422 - Public and Commercial Boating Access Areas and Boat Liveries

It is the intent of this Section 422 to limit overuse and regulate watercraft access areas to water-bodies to preserve water quality, control litter, and afford protection of private property; and to recognize the fragile environment of aquatic and riverine systems and protect the said

systems for the long-term public welfare; and to regulate boat liveries. This Section shall not prevent the incidental use of private property with direct access to a public waterbody for the launching of private watercraft; or for the launching of minimal numbers of watercraft as an ancillary use to any large hotels, motels, inns, and resorts approved in accord with this Zoning Ordinance, and said watercraft solely for the use of registered, overnight guests.

A. No boat access area or boat livery shall be constructed unless such access area is or will be served by a State or Township right-of-way or by a private road meeting the design standards specified in the Township Subdivision and Land Development Ordinance.

B. No access area or livery shall be planned or located within one (1) mile of any other existing or approved access area which is located in Pennsylvania.

C. An access area may also include ancillary services or facilities, such as, by way of example only, base operations for watercraft rentals or retail sales.

D. Boat access areas and liveries shall be permitted only on parcels fronting the body of water on which the boats will be used, and the minimal parcel size shall be five (5) acres.

Section 423 - Commercial Uses in the CP - Conservation and Parks District

The intent of this Section 423 is to provide standards for commercial uses on private lands in the CP - Conservation and Parks District. The Township recognizes the existence of public lands in the CP District and the significance of those lands to the public welfare in general and specifically to the local environment and rural character of the Township. Concurrently, the Township acknowledges the right of reasonable development of private lands when such development can be undertaken without jeopardizing the aforementioned public interest. The standards in this section 423, along with the uses permitted in the CP District, are intended to strike a balance between development rights and the Township's mandate to protect the public interest.

423.1 Application of Standards

The standards in this Section 423 shall apply to all commercial uses in the CP District, including development of new uses; additions or expansions of existing uses; and additions, expansions, changes, or restorations of non-conforming uses. All such activities shall be considered conditional uses. This Section 423 shall not apply to residential uses or agricultural uses.

423.2 Parcel Size

The minimum parcel size for any commercial operation in the CP district shall be five (5) acres unless provisions of this Zoning Ordinance specifically require a larger parcel size, or the application of the standards contained in this Ordinance or any conditions of approval dictate a larger parcel size.

423.3 Environmental Impact Statement

All commercial uses in the CP District shall require an Environmental Impact Statement (EIS) in accord with Section 418 of this Zoning Ordinance. In addition to the information required by Section 418, the EIS shall specifically address the following:

A. The potential effect on the use of any of the surrounding or neighboring property that is publicly owned.

B. Any significant historical and archeological resources on the project site and their effect on the same.

C. Identification and effect on any rare, threatened or endangered species of flora or fauna.

D. The ability of local emergency services organizations to serve the proposed use and how the developer will address any deficiencies of the same.

423.4 Traffic Study

As part of the conditional use application, the Township may require the applicant to submit a traffic study in accordance with Section 418 of this Ordinance. If the traffic study indicates that the public road is not adequate to meet the traffic demands of the proposed use, the applicant shall be responsible for making the necessary improvements to upgrade the road to a "Level - of - Service C" as defined by the most current design and construction material standards of the Institute of Traffic Engineers, the Pennsylvania Department of Transportation or the Township, whichever is greater.

423.5 Public Agency Review

The conditional use application shall be submitted by the applicant to the public agency that owns or is responsible for any surrounding or neighboring public land. The applicant shall submit the application and all supporting documentation to the said public agency by certified mail within ten (10) days of when it is submitted to the Township. The applicant shall provide to the Township proof of such service. The Board of Supervisors shall take no action on the application until such time as any comments are received from the agency, or upon the expiration of forty-five (45) days from the date the application was mailed to the agency, whichever shall first occur.

423.6 Building Location

All buildings and structures shall be designed, sized, and located on the site to be screened from view from any public water body and adjoining properties. The screening may be accomplished in the following priority: 1) by use of existing topography and/or vegetation, 2) increased setbacks, 3) constructed buffers and planting strips, 4) other suitable method, only as

necessary and as approved by the Township. Disturbance of existing vegetation and soil on the site shall be minimized. The Township may require such plans, drawings, renderings, studies, and other information as may be required to confirm compliance with the standards of this Section 423.6.

423.7 Conditions of Approval

In cases where the Township determines that a proposed use may have an adverse effect upon any identified features of the site or on the use of any public land in the CP District, the Township shall, if the application is approved, establish such conditions as may be necessary to mitigate such effect. Such conditions may, by way of example only, include the following:

A. Increased setbacks
B. Landscaped buffers
C. Fencing
D. Special site designs
E. Architectural design of buildings and structures as may be recommended by a reviewing agency in accord with Section 423.5 above
F. Hours of operation
G. Restricted size and number of signs
H. Limitations on removal of natural vegetation
I. Limitations on soil disturbance
J. Reduction of permitted lot coverage
K. Preservation of significant site features identified by the Township or any agency in accord with Section 423.5

Section 424 - Bed and Breakfast Establishments

Bed and breakfast establishments are classified as conditional uses in all Districts except the ND2 - Limited Neighborhood Development, where they are not permitted, and FP - Floodplain Districts, where they are permitted as special exceptions when created in a preexisting structure and may be permitted, but only when in accord with the following standards. The commercial standards set forth in Sections 409 and 423 shall not apply to a bed and breakfast establishment.

A. Adequate off-street parking is provided in accordance with Article VI of this Ordinance, with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit. Loading and unloading space shall not be required for a bed and breakfast establishment.

B. Adequate and approved sewage disposal shall be provided in accordance with PA DEP and Township requirements.

C. Not more than five (5) rentable rooms are provided in the establishment.

D. The owner or manager of the bed and breakfast must reside on the premises, and all occupants other than the owner or manager must be transient and nonpermanent in nature.

E. Not more than two (2) non-resident employees shall be permitted.

Section 425 - Prohibited Uses

A. The incineration, reduction or storage of offal, animals, or similar objectionable materials.

B. The manufacture of gunpowder, fireworks, or other explosives.

C. Heliports or helipads, public or private.

D. Any use which violates local, state, or federal laws regarding pornography or obscenity.

E. Any use which does not comply with federal, state or local laws or regulations concerning health, noise, and pollution.

Section 426 - Residential Subdivision Facilities and Amenities

1. Residential subdivision facilities and amenities shall be considered Conditional Uses in all Districts. Such facilities shall be similar to but not be limited to maintenance buildings, electrical substations, sewage treatment plants, meeting halls or clubhouses, community snack shops, recreation halls, swimming pools, beach and boating areas, tennis and basketball courts, athletic fields, and security or guard houses. The development of land for the purpose described herein shall be subject to the standards applicable to other similar uses set forth elsewhere in this ordinance or subject to standards adopted by the Supervisors at the time of the Conditional Use Hearing. Such uses shall also be subject to the following standards:

A. The facilities and amenities shall only be permitted within the property lines of the subdivision.

B. The facilities and amenities shall be for the exclusive use of the residents of the subdivision and their guests.

C. The facilities and amenities shall be located on property owned by the property owners' association of the subdivision and shall be under the association's operation and control.

D. The Supervisors may require such setbacks, screening, and other protective devices as they may deem appropriate in individual cases.

E. Security or guard houses may be placed in road rights-of-way as needed.

Section 427 - Timber Harvesting

427.1 Timber harvesting shall be a permitted use in all districts.

427.2 The Applicant shall submit, along with its application under this ordinance, a Soil Erosion and Sedimentation Control Plan.

427.3 Access to state and local highways by vehicles engaged in timbering activity shall only be at locations for which highway occupancy permits have been obtained from the Township or state, as necessary. All seasonal weather restrictions on Township roads must be followed. The loading or unloading of timber trucks must take place outside of the road right of way of any public or private roads. Flagman and warning signs must be utilized when required by the road occupancy permit.

427.4 The Applicant shall submit a plan showing that the timbering harvesting operation will be performed in accordance with Penn State's Best Management Practices for Timber Harvesting. The certification of a Professional Forester or Forest Technician that the plan conforms to these standards must be submitted with the application. The Applicant shall also submit a current USGS topographic map of the site, a copy of the recorded deed to the property, and proof of liability insurance of at least $1,000,000 for general liability. The Applicant must maintain a suitable setback of undisturbed woodland on any portion of the property that abuts a residential use or public roadway. The size of that setback shall be determined by the Township based upon the size of the parcel. For any parcel more than one (1) acre, the setback shall be twenty-five (25) feet. For any parcel less than one (1) acre, the setback shall be fifteen (15) feet.

427.5 Hours of operation shall be Monday through Friday, beginning no earlier than 8 a.m. and ceasing no later than 5 p.m.

Section 428 - Communications Towers and Antennas

A. Special Definitions

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

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

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

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

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

DISTRIBUTED ANTENNA SYSTEM - A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. A distributed antenna system may also be known as DAS or Small Cell Tower.

DISTRIBUTED ANTENNA SYSTEM POLE - A pole or other structure designed and permitted for the sole purpose of supporting the antenna(s) of a Distributed Antenna System.

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

B. Design and Location Standards

The following design and location standards shall apply to all communications facilities except Distributed Antenna Systems:

1. The applicant shall demonstrate compliance with all pertinent laws and regulations of the FCC and the Federal Aviation Administration. ("FAA").

2. An evergreen screen consisting of a row of eight (8) feet high or higher White Spruce or comparable evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence. The Township may, however, modify or waive screening requirements if the site is entirely or partially wooded as to provide existing screening.

3. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.

4. The tower, antenna, and any future installations on the structure or at the site shall be designed and constructed to all applicable standards of the American

National Standards Institute, TAI/EIA-222-F manual, as amended, and withstand gusts of up to 100 miles per hour.

5. A soil report prepared by a Professional Engineer shall be submitted to the Township to support the design specifications of the foundation and tower, and anchors for the guy wires, if used.

6. An antenna may not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure except as a Conditional Use.

7. [number not used.]

8. Communications facilities shall be permitted as a sole use on any lot subject to the following development standards:

a. Minimum lot size (entire tract)	Five (5) acres
b. Minimum setback requirements	Two-hundred (200) ft. (all sides)
c. Maximum height	Tower - Two-hundred (200) ft. Equipment Building - Thirty (30) ft.

Provided no residences directly adjoin the site, minimum setback requirements may be reduced to the fall-down limit plus fifteen (15) feet, where the net effect of requiring the full setback would be to necessitate additional lighting or tower height. Maximum height requirements may be exceeded, provided such height can be demonstrated to be absolutely necessary, and the additional height is matched with an equal amount of additional setbacks on all sides.

9. A communications facility shall be permitted on a property with an existing use, subject to the following development standards:

a. The communications facility shall be fully automated and unattended daily, and shall be visited only for periodic maintenance.

b. Development standards. The minimum lot area, minimum setbacks, and maximum height required above shall apply, provided the land remaining for accommodation of the principal use on the lot shall also continue to comply with the minimum lot area requirement.

c. Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

10. Where an antenna for a communications facility is to be attached to an existing structure or building it may be permitted as an Accessory Use, in those

districts where permitted, and shall be subject to the following development standards.

a. Maximum height. Fifty (50) feet above the existing building or structure.

b. If the applicant proposes to locate the communications equipment in a separate building, the building shall comply with otherwise applicable minimum setback requirements, an eight (8) foot high security fence shall surround the building, a buffer yard shall be planted as required above and vehicular circulations on the site for the principal use.

c. Elevations of existing and proposed structures showing width, depth, and height, use statistical data on the antenna and support structure shall be presented.

d. The antenna shall be camouflaged or otherwise designed to be aesthetically compatible with the existing architectural and natural environment.

11. Notwithstanding the minimum setbacks provided above, any tower shall be setback from all property lines a distance that is at least equal to the height of the tower. The tower shall also be setback from any active recreation facilities or fields a distance that is at least equal to the height of the tower.

12. Communications towers within R-1 Low Density Residential Districts shall be located a minimum of 1,000 feet from any property line and be a maximum of 150 feet in height.

C. Plan Review Criteria

Communications facilities shall be subject to all the ordinary review criteria applicable to Conditional Uses, plus the following:

1. The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance, including those which may lie within adjoining municipalities.

2. The applicant shall present documentation that the tower is designed in accordance with the standards of this Ordinance for communications towers.

3. The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as Federal Aviation Administration ("FAA") requirements. This may require

structural markings, lighting, or other improvements, subject to the approval of the Township and the FAA.

4. The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site, which serve to provide a natural buffer, shall be preserved unless absolutely required to be removed for purposes of access or safety.

5. The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents, as well as travelers.

6. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
7. Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.

8. All communications structures shall be lighted for safety in a manner consistent with industry best practices and where lighted additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.

9. All property owners and adjacent municipalities within five-hundred (500) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail prior to the Planning Commission making a recommendation on the application for Conditional Use approval for such a structure. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their final application.

10. Should any tower cease to be used as a communications facility, the owner or operator or the owner of the land on which the tower is located shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.

11. An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including proof of contracts, building investigations,

and similar evidence. Should such efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.

12. Applicants shall be required to demonstrate that a periodic maintenance program will be implemented to ensure the structure continues to meet all safety criteria on an ongoing basis.

D. Distributed Antenna Systems and Distributed Antenna System Poles
The following design and location standards shall apply to all Distributed Antenna Systems:

1. The applicant shall demonstrate compliance with all pertinent laws and regulations of the FCC and the Federal Aviation Administration. (“FAA").

2. No zoning permit will be required for any Distributed Antenna System installed within a structure (e.g., hotel) where the antenna(s) is designed to serve the occupants of the structure and not the public at-large.

3. No Distributed Antenna System Pole may be greater than 75 feet above the natural land surface. Poles greater than 75 feet in height shall be considered Communications Towers and shall fall within the regulations found in this ordinance.

4. Distributed Antenna System Poles and their subsequent antennas shall be designed to withstand wind gusts of up to 100 miles per hour.

5. Any Distributed Antenna System antenna sited on a permitted Communications Tower or an existing structure (e.g., building, steeple, etc.) shall be considered a communications antenna and regulated by the applicable sections of this ordinance.

6. No Distributed Antenna System Pole may be sited in the public right-of-way. Distributed Antenna System Poles may be placed on previously developed properties; however, a horizontal isolation distance of no less than the height of the pole must be maintained from any occupied structure existing at the time of permitting.

7. Should any Distributed Antenna System Pole cease to be used for its permitted purpose, the owner or operator, or then owner of the land on which the pole is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.

Section 429 - Public Parks and Playgrounds

Public Parks and Playgrounds shall be permitted anywhere, provided that park facilities such as playgrounds, ball fields, pavilions, etc., shall be set back 100 feet from any residentially zoned lot (R-1 or RU) and from any lot improved with a residence at the time of construction of such facility. The placement of structures or the placement of fill in parks and playgrounds in the FP district shall be subject to the Floodplain regulations of the Township.

Section 430- Inns

430.1 Adequate off-street parking must be provided in accordance with Article VI of this Ordinance.

430.2 Adequate and approved sewage disposal shall be provided. In the case of an Inn being housed in a preexisting structure, the Township may require such testing as it may deem reasonably necessary to determine the suitability of the existing sewage system for the proposed use. Calculations of sewage flows shall be based upon applicable Pennsylvania state laws and regulations. At no time will an Inn be permitted to exceed the sewage flows for which the Inn's sewage system was designed and /or permitted. For an Inn located on a site of less than two (2) acres, thirty (30) restaurant /bar seats shall be permitted. For an Inn located on a site of two (2) or more acres, such restaurant/bar seats shall be permitted as can be achieved by the application of the appropriate standards for sewage disposal, parking, etc.

430.3 All structures must have the final approval of the Pennsylvania Department of Labor and Industry or its successor prior to the issuance of a certificate of occupancy or certificate of use by the Township.

430.4 The maximum rate of stormwater run-off is no greater after development than prior to development activities, and the quality, velocity, and direction of the resulting stormwater runoff is managed in a manner that otherwise adequately protects health and property from possible injury.

430.5 All driveways and parking areas shall be constructed with suitable material for the conditions in existence on site. When necessary, the Township may require that they be paved in accordance with the minimum requirements for township roads offered for dedication to the Township as set forth in the applicable Township Ordinances.

430.6 The Board may waive the buffer requirements of Section 409.1 in appropriate cases.

Section 431 - Self-Storage Facilities

431.1 Location: Self-Storage facilities shall be located in approved zones as provided for in Section 305, Schedule of Use Regulations.

431.2 Special Development Standards: In addition to the standards found elsewhere in this Ordinance, the following special development standards shall apply to self-storage facilities.

Minimum lot area	5 acres
Maximum lot coverage	50%
Minimum front yard	50 feet
Minimum rear yard	50 feet
Minimum side yard	50 feet
Maximum building height	12 feet
Minimum distance between all buildings located on the site	24 feet

431.3 Design Criteria: Self-storage facility uses shall be subject to the following design standards:

a. Site Planning. The site shall have sufficient area to accommodate the number of units planned for storage use, with allowance for spacing between units and the setback clearances required, along with spacing for fire truck and delivery truck access and clearances. The terrain shall be graded to result in a final grade with slopes no greater than 6%. Terracing shall be permitted provided each terrace has a final slope of less than 6% and adequate screening is provided along each terrace. The project shall be designed to provide for fire safety, taking into account the equipment and capability of the local fire departments.

b. Screening. Self-storage structures shall be screened by maintaining the natural vegetation to the greatest extent possible. Where natural vegetation does not provide adequate screening from adjacent properties and public rights-of-way, screening shall be provided in the form of a solid wood fence and/or a dense evergreen planting not less than six (6) feet high shall be planted/erected and maintained. The dense evergreen planting shall be designed to provide immediate screening as opposed to providing screening at some future date when the plants reach a certain age or size. Additional buffer areas or fencing may be required by the Township if the nature of the proposed project, as determined by the Board of Supervisors, so requires.

c. Exterior Colors. The exterior of all structures should be of a color scheme that complements the surrounding area. The Board of Supervisors shall have the right to approve or disapprove the color scheme at its discretion. Samples of the proposed colors shall be submitted with the zoning application and use of the specified colors shall be a condition of approval.

d. Security. A security plan outlining the precautions that will be taken to deter unauthorized entry shall be submitted as part of the application. At a minimum, all

self-storage facilities shall be surrounded by a security fence a minimum of eight (8) feet high and constructed in a manner deemed suitable to the Board of Supervisors. The fence shall surround all internal driveways and structures. All required buffers and screening shall be outside of the fence.

e. Fire Safety. A fire safety plan outlining the precautions that will be taken to prevent and suppress fires shall be submitted as part of the application. At a minimum, the plan shall be compliant with the standards outlined in the Dingman Township Subdivision and Land Development Ordinance and include a telephone number to contact the Pike County Communications Center.

f. Lighting. Permanent or motion-controlled outdoor security lighting shall be provided. Both security and decorative lighting shall be of low intensity and directed to prevent glare on the adjoining properties.

g. Parking and Driveways. All roads and parking areas shall be designed and constructed to the standards set for Public Streets as found in the Dingman Township Subdivision and Land Development Ordinance. Self-storage facilities that have on-site offices shall have suitable handicapped parking spaces in accordance with the American Disabilities Act and Pennsylvania Labor and Industry regulations.

h. Construction. All structures shall be constructed to the standards of the Dingman Township Building Ordinance.

i. Agreements and Covenants. A copy of the proposed lease/rental agreement for self-storage units shall be submitted as part of the application.

431.4 Operation Standards:

a. Storage of Materials. No hazardous or inflammable material shall be stored on site or within any self-storage unit.

b. Hours of Operation. All self-storage facilities shall be closed to customer access between the hours of 9:00 PM and 9:00 AM. Where the situation may warrant, the Board of Supervisors may further restrict the hours of operation.

c. Uses. No self-storage facility shall be used for any purpose other than storage, including, without exception, any other kind of commercial or personal activity such as art studios, business offices, automotive repair, or practice areas.

d. Liquidation Auctions. Liquidation auctions may be held no more than twice a year and only during the regular hours of operation. The Board of Supervisors must be notified of any proposed auction at least fifteen (15) days in advance of the auction date. All customer parking must be restricted to the self-storage facility site. On-street parking shall be prohibited.

e. Rubbish and Garbage. All rubbish and garbage must be removed from the site on a weekly basis and in a manner consistent with the Dingman Township Solid Waste Management Ordinance. No burning of rubbish or garbage shall be permitted on the site. Dumpsters, trash cans, and other waste receptacles shall be screened from public view.

431.5 Accessory Uses

a. Vehicular leasing and rentals, as defined herein, may be permitted as accessory uses to self-storage facilities subject to the following standards:

b. Property Use. The land area designated for display of vehicles for lease or rental shall not exceed the floor area of the self-storage structures.

c. Vehicle Condition. Storage and display of vehicles shall be limited to operable and properly inspected, licensed and registered vehicles.

d. Fencing, Screening and Yards. External storage and display areas shall be paved, fenced and screened from adjoining residential uses and shall not be located in any required front, rear or side yard.

e. Service and Repair. No repair or other service activities related to any vehicular leasing and rental operation shall be permitted on the site of any self-storage facility.

f. Vehicle Limitations. No vehicles or other equipment stored or displayed for lease or rental on-site shall exceed such length as shall require a turning radius exceeding that provided by the entrance to the self-storage facility or 20 feet, whichever is less.

g. Vehicle Storage: Vehicles for display or lease shall have their own designated parking spaces and shall not utilize required parking for the principal use. In the event that the customer for a rental vehicle needs to leave a vehicle on site while the rental vehicle is being used it shall be parked in the space formerly occupied by the rental vehicle.

Section 432- Adult-Oriented Businesses

Adult-oriented businesses, which are permitted as Special Exceptions in the RU and ND2 Districts, can have serious negative impacts on surrounding areas, including declines in property values, degradation of neighborhoods, increases in crime, and deterioration of community character. This has been substantiated by a number of studies conducted throughout the United States. The Dingman Township Board of Supervisors has considered the findings of these studies and those incorporated in the cases of; a) City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); b) Young v. American Mini Theatres, 426 U.S. 50 (1976); and c) Northend Cinema, Inc. v. Seattle, 585 P.2d 1153 (Wash. 1978). The Township's intent in enacting this section is not to restrict speech protected by the First Amendment but rather to provide for it in a way that is consistent with the demands of the U.S. Constitution, as expressed

in the referenced cases. It is also, however, intended to address, in a practical way, the very real secondary effects of adult-oriented businesses on the peace, good order, and safety of Township residents. These prohibitions are further based on the findings of the U.S. Supreme Court in the case of Barnes v. Glen Theatre, 501 U.S. 560, 115 L.Ed. 2d 504 (1991) and are intended to fulfill purposes identical to those upheld in that case. Moreover, there exists within adjoining areas substantial experience with these activities that indicates they, indeed, have the types of negative impacts on the community that the Indiana statute was designed to address and produce general deterioration of the character of the area in which they were located, leading to commercial and residential blight.

A. Purposes. The primary purposes of this section are as follows:

To preserve the character and quality of life in the Township neighborhoods and business areas.

To control such documented harmful and adverse secondary effects of adult-oriented businesses on the surrounding areas, such as: decrease in property value; attraction of transients; parking and traffic problems; increased crime (including prostitution, rape, and assaults) in the vicinity of such businesses; loss of business for surrounding non-adult businesses; deterioration of the neighborhood.

To maintain property values. To prevent crime.

To protect retail trade.

To restrict minors' access to adult-oriented businesses.

To maintain the general health, safety, welfare, and morals of Dingman Township residents.

B. Special definitions. The following definitions shall apply to this section and also be incorporated in Article II of this Ordinance.

Adult Oriented Business: Use of a building, structure, or property, or part thereof, for a business that has adult materials in a section or segment devoted to such materials or as substantial or significant portion of its stock in trade for the purposes of sale, lease, trade, gift, or display of such adult materials. For the purposes of this law adult oriented businesses shall also mean and include any massage parlor, nightclub, bar, tavern, restaurant, eating and drinking establishment, arcade, theater, motel, hotel, or any other establishment that regularly features, for economic gain or other consideration, entertainment in any form that is characterized by nudity or depiction or display of sexual activities.

Adult Materials: Adult materials shall include but not be limited to any literature, books, magazines, pamphlets, newspapers, papers, comic books, drawings,

articles, computer or other images, motion pictures, mechanical devices, instruments, clothing or other writings, materials or accessories that are distinguished or characterized by their emphasis on matter depicted, described or related to "specified sexual acts" or "specified anatomical areas" as defined herein, or an establishment with a segment or section exclusively devoted to the sale, lease, gift, trade, display of such materials or of any drug paraphernalia.

Massage Parlor: A facility offering massage services, not including those offered by Commonwealth of Pennsylvania licensed chiropractic or medical service providers or other providers credentialed by licensed Pennsylvania health care institutions. A massage parlor shall also not include any facility offering services illegal under Pennsylvania law.

Nudity: Nudity means the showing of the human male or female genitals, pubic area, buttocks, or anus, any part of the nipple or any part of a female breast below a point immediately above the top of the areola with less than a full opaque covering.

C. Permit required. No adult-oriented business shall be commenced without a Special Exception permit being obtained from the Township under this chapter.

D. Zone in which permitted. Adult-oriented business shall be permitted only in the RU and ND2 Districts of Dingman Township, and the Schedule of District Regulations (Section 305) shall be so amended as to include such use in the RU and ND2 Districts. E. Geographical limitations. Because adult-oriented businesses can lend themselves to ancillary unlawful and unhealthy activities, they shall be separated from other uses that could be severely impacted by their presence or that, in combination with the adult-oriented business, accentuate the negative impacts on the area. No adult-oriented business shall be located within 1,000 feet of any residence, residential facility, institution, health facility, church, synagogue, school, public or semi-public parks or recreational facility, any establishment that serves alcoholic beverages, or any other existing adult-oriented business. This setback is consistent with the open rural character of the Township, within which numerous locations exist that can meet this standard. F. Signs and displays. No exterior display or interior display that is visible from outside the business shall be made to identify or portray the type of activity that occurs at an adult-oriented business excepting for one (1) approved two-sided ground sign not to exceed a surface area of thirty-two (32) square feet for both sides combined. Such a sign shall be subject to all other limitations applicable to signs. It shall not incorporate any obscene material or depictions of nudity as defined herein, including depictions of nudity in silhouette or cartoon, but shall be otherwise unlimited in message.

G. Non-conforming buildings or lots. No existing building that is non-conforming with respect to yards or a non-conforming lot with respect to minimum lot area or lot width shall be used for an adult-oriented business. No existing building, lot, or use shall be added to, enlarged, expanded in size or program, or converted for purposes of

conducting an adult-oriented business unless an application to do so has been made under this section.

H. Prohibited activities. Because they are known to present severe health risks (including spread of sexually transmitted diseases), encourage prostitution, increase sexual assaults, and attract criminal activity, the following activities shall not be permitted in any adult-oriented business within Dingman Township:

General Activities:

Public appearance by a person knowingly or intentionally engaged in;

[1] Sexual intercourse, deviate sexual intercourse, indecent contact or forcible compulsion as such terms are defined by Section 3101 of Title 18 of the Pennsylvania Consolidated Statutes; or

[2] The fondling of one's own genitals or another person, or the fondling of female breasts.

The knowing and intentional public appearance of a person in a state of nudity.

Specified Sexual Activities:

Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.

Sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy.

Acts of human masturbation, actual or simulated.

Excretory function as part of or in connection with any of the activities set forth above.

Sexual activities between humans and animals.

Specified Anatomical Areas:

Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola.
Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Section 433 - Body Piercing, Tattoo, and Fortune Telling Businesses.

Dingman Township intends, in enacting this section is to provide for body piercing, tattoo, and fortune telling businesses, which are permitted Special Exceptions in the RU and ND2 Districts, while addressing their secondary effects on the health, safety, and welfare of Township residents.

A. Purposes. The primary purposes of this section are as follows:

To preserve the character and quality of life in the Township neighborhoods and business areas.

To control harmful and adverse secondary effects of body piercing, tattoo, and fortune telling businesses on the surrounding areas, such as: decrease in property values; attraction of transients; parking and traffic problems; loss of business for surrounding businesses; and deterioration of neighborhoods.

To otherwise maintain the general health, safety, welfare, and morals for Dingman Township residents.

B. Special definitions. The following definitions shall apply to this section and also be incorporated in Article II of this Ordinance.

Body Piercing Business: Use of a building, structure, or property, or part thereof, for a business that involves the physical piercing of human body parts, for other than medical purposes, to make a mark or scar or otherwise perforate the skin for the purpose of placing jewelry in such perforations. However, establishments and individuals involved in the piercing of earlobes shall not be included in this definition.

Fortune Telling Business: Use of a building, structure, or property, or part thereof, by fortune tellers, clairvoyants, spirit mediums, astrologists, palmists, and similar persons engaging in unlicensed consultation practices for largely entertainment purposes.

Tattoo Parlor: Use of a building, structure or property, or parts thereof, to offer or practice the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of any person with inks or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

C. Permit required. No body piercing, tattoo, or fortune telling business shall be commenced without a Special Exception permit being obtained from the Township under this Ordinance.

D. Zone in which permitted. Body piercing, tattoo, and fortune telling businesses shall be permitted only in the RU and ND2 Districts of Dingman Township, and the Schedule of District Regulations (Section 305) shall be so amended as to include such use in the RU and ND2 Districts.

E. Geographical limitations. Body piercing, tattoo and fortune telling businesses shall be separated from other uses that could be severely impacted by their presence or that, in combination with other such businesses or adult oriented business, accentuate the negative impacts on the area. No body piercing, tattoo, or fortune telling business shall be located within 500 feet of any residence, residential facility, institution, health facility, church, synagogue, school, public or semi-public parks or recreational facility, any establishment that serves alcoholic beverages, and other body piercing, tattoo, and fortune telling businesses or any adult-oriented business. This setback is consistent with the open rural character of the Township, within which numerous locations exist that can meet this standard.

F. Signs and displays. Signage for body piercing, tattoo, and fortune telling businesses shall be limited to one (1) approved two-sided ground sign not to exceed a surface area of thirty-two (32) square feet for both sides combined. Such a sign shall be subject to all other limitations applicable to signs.

G. Non-conforming building or lots. No existing building that is non-conforming with respect to yards or a non-conforming lot with respect to minimum lot area or lot width shall be used for a body piercing, tattoo, and fortune telling business. No existing building, lot, or use shall be added to, enlarged, expanded in size or program, or converted for purposes of conducting a body piercing, tattoo, and fortune telling business unless an application to do so has been made under this section.

H. Non-applicability to medical services. This section shall not apply to medical doctors, registered nurses, or any other credentialed medical services personnel licensed by the Commonwealth of Pennsylvania.

Section 434 - Low Impact Retail and Service Establishments

A Low Impact Retail and Service Establishment shall be subject to the following limitations and standards:

a. It shall involve no more than 5,000 square feet of gross building floor area.

b. It shall generate no more than 500 vehicle trips per day on a State highway or 300 vehicle trip ends per day on a Township road, based on estimates developed by applying the latest trip generation data from the Institute of Transportation Engineers.
c. It shall involve no more than five (5) on-site employees per shift.

d. It shall not be open for business or operate on-site for more than fourteen (14) hours per day. It shall be closed to the general public and all but security employees, with no exterior lighting except for security purposes, between the hours of 8:00 PM and 6:00 AM prevailing time.

e. It shall not involve the outside storage of materials or supplies except for minor incidentals and a maximum of three (3) vehicles used in everyday service on behalf of the business.

f. It shall not, having once been permitted or established, be expanded, enlarged or otherwise increased or changed substantially in character without complying with this Ordinance. Any addition or expansion that takes a use above the upper limits established for a Low Impact Retail and Service Establishment shall, if permitted within the district, be processed as a Conditional Use, regardless of zoning district, and be subject to such other limitations on uses as may apply for the zoning district.

g. It shall, where permitted as a Conditional Use, be subject to such additional conditions as the Township Board of Supervisors may choose to impose for the purpose of mitigating any adverse impacts on residences in adjoining residential zoning districts, limiting the impacts on traffic and transportation systems and addressing other Conditional Use criteria.

Section 435 - Mixed-Use Projects

435.1 Authorization, Description, and Purpose Mixed-use projects may be permitted as conditional uses on any tract of at least 100 acres in gross total lot area before deductions within the RC Resort Commercial Districts. Such parcels shall also have no less than 500 feet of frontage on a public road. Such projects shall also be served by central sewage and water systems. Mixed-use projects shall combine neighborhood-serving retail and service uses with dwellings in planned developments designed to:

A. Exhibit the physical design characteristics of pedestrian-oriented villages;

B. Promote the health and safety of residents by putting shopping opportunities within walking distance of homes, thereby reducing the need for vehicular travel, and

C. Provide meaningful on-site recreation opportunities for residents.

435.2 Permitted Uses Once conditional use approval is granted for a mixed-use project, the following uses shall be permitted by right, provided the proposed use is fully consistent with the

use proposed for individual structures under the conditional use approval (see also Section 705.4 of this Ordinance):

A. Age-restricted housing.

B. Banks and financial institutions, which may include drive-through service.

C. Business, medical, and professional offices.

D. Churches and other places of worship (which shall not be counted as commercial space)

E. Commercial recreation.

F. Congregate housing.

G. Day care facilities.

H. Dwellings, single-family.

I. Dwellings, two-family.

J. Dwellings, multi-family, including townhouses and apartments.

K. Food establishments.

L. Grocery stores.

M. Health care facilities and commercial exercise clubs.

N. Nursing home.

O. Retail and service establishments (which may include drive-through businesses but not drive-in businesses).

P. Residential subdivision facilities and amenities.

Q. School bus shelters.

R. Shopping centers and malls.

S. Specialty shops (which may include drive-through businesses but not drive-in businesses).

T. Theaters.

U. Customary accessory uses and essential services.

Adult-oriented businesses shall not be permitted as part of any mixed-use project under any circumstances.

435.3 Commercial Establishment Size Limit

The gross floor area of any individual commercial and other non-residential establishment (per individual tenant) in any mixed-use project shall not exceed 100,000 square feet, except for multi-story establishments, which may be as large as 150,000 square feet per establishment or tenant.

435.4 Indoor/Outdoor Operations

All uses within a mixed-use project must be conducted within completely enclosed buildings unless otherwise expressly authorized as part of the conditional use process. This requirement does not apply to off-street parking or loading areas, automated teller machines or outdoor seating areas. Outdoor seating areas shall be specifically designed for such use.

435.5 Density

Mixed-use project maximum density shall be calculated for the project, based on the whole tract area, by applying the following minimum tract area criteria, after deducting 80% of FEMA-designated 100-year floodplain areas, 60% all wetlands, 50% of natural slopes over 25%, and areas contained within public road rights-of-ways and utility placement areas:

A. 20,000 square feet of tract area for each single-family or two-family dwelling unit.

B. 15,000 square feet of tract area for each multi-family dwelling unit for units of 1,250 square feet or more in floor area.

C. 10,000 square feet of tract area for each multi-family dwelling unit for units of less than 1,250 square feet in floor area.

D. 10,000 square feet of tract area for each age-restricted dwelling unit (excluding congregate housing and nursing homes).

E. 2,500 square feet of tract area for each 1,000 square feet of gross floor area of commercial and other non-residential space occupied by principal uses.

No mixed-use project shall, based on the above criteria, dedicate less than 25% of floor area to commercial retail, commercial service, and commercial office uses, provided that congregate housing, nursing homes, and commercial space rented for non-profit educational or recreational use may be counted toward commercial floor area at a 50% ratio for purposes of these calculations. No more than 25% of the dwelling units shall be less than 1,250 square feet in floor

area. The project must also be built according to a phasing plan and development agreement, which shall be submitted by the applicant for approval by Dingman Township. Such phasing plan and development agreement shall ensure commercial floor area is constructed at the same or at a greater rate than the established 25% ratio of commercial to residential and non-commercial floor area. No portion of a phase may receive a certificate of occupancy and use until the entirety of that phase has been completed. Specifically, the residential portion of a phase may not receive a certificate of occupancy and use until the commercial portion of the phase is also granted a certificate of occupancy and use. All facilities and accessory uses related to commercial uses, including but not limited to sewage disposal, water supply, roads, parking areas, walkways, and exterior elevators and escalators, must be completed and certified for occupancy and use before the commercial use can be opened to the public. Such facilities and accessory uses must present a completed project to the public to and from all points of public access to the applicable commercial use.

435.6 Development Standards

A. All mixed-use projects shall include a minimum of 30% common open space, a minimum of 50% of which shall not include wetlands, slopes over 25% in grade, or FEMA-designated 100-year floodplains. Roads, parking areas, other impervious surfaces not intended for recreational use, or any areas within 20 feet of a building footprint shall not be counted toward open space. Such common open space shall be titled to a property owners association organized in the manner provided herein for multi-family dwellings unless the Board of Supervisors approves an alternative form of ownership that the applicant proves would be appropriate and ensure adequate maintenance.

B. All dwellings shall meet existing RC District setbacks for residential uses.

C. All structures shall be subject to the fire lane and separation requirements of the Dingman Township Fire Protection Ordinance or separated by the height of the highest adjacent building, whichever is greater, provided the project shall be entitled to any modifications as may be granted by the Township under said Fire Protection Ordinance.

D. The maximum building height shall be 50 feet for non-residential structures and 35 feet for residential structures.

E. Off-street parking spaces shall be provided according to parking regulations provided herein, except that the Township may reduce parking requirements when parking spaces will be shared by multiple uses, provided that no age-restricted housing shall have less than one space perdwelling unit, no other dwelling shall have less than two spaces per unit and not less than 4.75 parking spaces shall be provided per 1,000 square feet of gross floor area of commercial and other non-residential building space. Parking must generally be located to the rear or side of the principal building. All parking areas shall be fully landscaped, and generally, no more than 200 feet of continuous parking area, uninterrupted by structures or landscaping, shall be permitted. Fully landscaped shall

mean interrupted by landscaped islands and similar treatments to ensure against extensive spans of impervious surface.

F. On-site community recreation amenities shall be provided for the use of residents, applying the "Park, Recreation Open Space and Greenway Guidelines" from the National Park and Recreation Association as general criteria for planning purposes. All recreational improvements within each phase shall be installed or financially guaranteed before final approval of that phase.

G. Sign standards for the mixed-use project may be modified by the Board of Supervisors, provided the applicant submits a master signage plan for approval by Dingman Township, which master signage plan shall be binding on mixed-use project tenants and not permit more than one square foot of total sign area per 50 square feet of gross commercial floor area, provided no individual sign shall exceed 200 square feet in sign area per face. Directional signs shall be excluded from the calculation. A directory sign or main entrance sign may be up to 350 square feet in sign area per face.

H. All land development shall comply fully with the Dingman Township Fire Protection Ordinance requirements.

I. The development plan shall include a reasonable buffer of wooded or landscaped area between the project and the public road and adjoining properties (20' minimum) and a reasonable buffer between the commercial and residential areas of he project (50' minimum). Appropriate and necessary signage may be placed within the buffer. The buffer shall be designed to provide a visual and environmental break between the uses while permitting appropriate visibility.

J. The development plan shall include pedestrian walkways for the safe and efficient movement of pedestrians through both the residential and commercial portions of the project.

K. K. Design and Construction of all streets, service drives, parking facilities, etc., shall fully comply with the provisions set forth in Dingman Township Subdivision and Land Development Ordinance Sections 100-30 Street requirements, and Section 100-35 Non-Residential Subdivisions and Land Developments.

435.7 Fiscal Impact Analysis

Mixed-use projects shall require a fiscal impact analysis to evaluate the financial impacts on the Township, School, and County. Such analysis shall consider the costs of municipal services as compared to taxes expected to be generated and other economic benefits. This analysis may be used as a basis for determining the appropriate commercial-residential mix for the project, although other factors may also be considered.

Section 436 – Day Care Uses

All day care centers and minor day care uses shall have:

1) The area in which the children or infirm adults are dropped off shall be free of all vehicular and other safety hazards.

2) Outdoor recreational areas shall be surrounded by a four-foot (minimum) fence made of chain link or other material approved by the Board of Supervisors.

3) There will be adequate parking in accordance with Section 602 of this Ordinance, except that no large truck unloading area will be required.

4) Proof of licensure from the Commonwealth of Pennsylvania is required and must be maintained at all times. There will be no exceptions, even if said license is optional under the regulations set forth by the Commonwealth. Operating a Day Care Facility or Minor Day Care Use without a license shall be a violation of this Ordinance.

5) In addition to any other Building Code requirements that may apply, smoke alarms and carbon monoxide detectors, meeting all the requirements of the Township Building Code, shall be installed in all rooms that will be used in the conduct of the business.

6) Minor Day Care uses secondary to residential uses shall comply with the regulations of Section 401 (Home Occupations) of this Ordinance.

Section 437 - Recreational Vehicles, Recreational Vehicle Parks, and Campgrounds

Recreational Vehicles, when allowed for under section 305, may be permitted subject to the following regulations.

a. No recreational vehicle may exceed a size of 400 square feet nor exceed 12 feet in width when assembled for camping use. Vehicle size shall be determined by multiplying the greatest exterior length of the unit by the greatest exterior width. (excluding hitches and bay windows).

b. No recreational vehicle may enter a recreational vehicle park nor may it be sited on a recreational vehicle park lot unless said vehicle is capable of being transported over public roads without requiring a special highway moving permit.

c. A permit is required to site a recreational vehicle on a designated recreational vehicle park lot. The recreational vehicle and all accessory structures must meet the property line and littoral setbacks required by Sections 306 and 307 of this ordinance.

d. In cases where the recreational vehicle is expected to be moved on and off a recreational vehicle park lot frequently, a "recreational vehicle pad" may be permitted. In such a case, the pad must meet all the applicable setbacks found in Sections 306 and, when on property, the recreational vehicle (including any extensions) must be sited wholly within the perimeter of the pad.

e. No recreational vehicle may be temporarily or permanently attached to any structure or to any other recreational vehicle. Decks, platforms, screen houses, and other such accessory structures may abut a recreational vehicle but not be connected to it. Porches enclosed with windows constructed of glass, plastic, or any other solid material as opposed to screens are hereby prohibited except that such porches may be enclosed in clear plastic panels (pursuant to a program administered by Campground Management and the Township) attached over the screens to keep out precipitation from October 15 through May 31st of each year during which period the unit may not be occupied. Walls may be partially constructed of solid material provided that the solid wall material does not exceed 36 inches above floor level. Such porches may not be wired for electricity or lighting nor contain any heating devices. Accessory structures abutting a recreational vehicle shall not be required to meet the ten (10) feet separation required in section 402.

f. No more than one recreational vehicle, as defined in this ordinance, may be sited at any one time on a recreational vehicle park lot.

g. No recreational vehicle may be used as a permanent residence. For purposes of this section, permanent residency is assumed should the property address be used for driver's license, hunting license, fishing license, voter registration, income tax, or government benefits purposes.

Section 438 - Zoning Permits for Transient Use of Residential Property for Remuneration

A. Findings and Declarations.

1. The use of single and multiple family dwelling units, duplexes, guesthouses, caretaker units, apartments, recreational vehicles and other structures normally occupied for residential purposes, for short term rental, and/or for bed and breakfast, hostel, hotel, inn, lodging, resort, or other transient lodging purposes has impacts on residential areas which must be addressed through existing Township use permit processes.
2. Allowing transient use of residential property will provide an administrative procedure to legalize existing visitor serving opportunities and increase and enhance public access to areas of the Township and other visitor destinations.

3. If not properly regulated, such use of residential property may create adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and residential vehicle traffic, parking demand, light and

glare, and noise detrimental to surrounding residential uses and the general welfare of the Township. Moreover, such use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services, and neighborhood watch programs.

4. Requiring zoning permits for such use of residential property enables the Township to address any adverse impacts of such use, is consistent with and declaratory of existing regulations under this section, and necessary to maintain the integrity of the various zoning districts.

5. This section does not apply to properly permitted bed and breakfast, hostel, hotel, inn, or resort establishments.

6. This section is necessary in order to protect the public health, safety, and welfare.

B. Purpose. The purpose of this Section is to:

1. Preserve and enhance the residential character of the zoning districts described in this section and the sense of security and safety in stable neighborhoods of owner-occupied residences.

2. Implement the provisions and advance the purposes and objectives of this section.

3. Except as provided in this Section, restrict transient use of property for remuneration, which use may be inharmonious with and injurious to the preservation of the character and environment of the various zoning districts in the Township.

4. Promote the public health, safety, and general welfare of the Township.

C. Zoning Permit.

1. Permitted Use.

a. Transient use of residential property for remuneration shall be permitted in the CP, RC, and NC zoning districts upon the issuance of a zoning permit pursuant to this Ordinance. Transient use of residential property for remuneration is not permitted in any other zoning districts under this Ordinance.

b. Transient use of residential property in existence on the original effective date of this Section, May 19, 2015, shall, upon application, be issued a zoning permit or certificate of nonconforming use, as applicable, provided that any such units devoted to transient use are registered with

the Zoning Officer and the zoning permit or nonconforming use application is filed on or before May 19, 2016. The owner/registrant shall have the burden of demonstrating that the transient use was established. Payment of transient occupancy taxes (hotel tax) and any applicable sales tax shall be, but is not the exclusive method of demonstrating evidence of the existence of historic transient use of residential property through appropriate records. Failure to pay any such applicable taxes for the years of the alleged nonconforming use shall be an adequate basis to deny the certificate. Sporadic as opposed to consistent rental over a period of time shall not be considered evidence of such a pre-existing use.

c. The rental period/season and days per year of rental for residential properties registered for transient uses with the Zoning Officer pursuant to this Section shall be limited to the rental period and days per year of rental established by the owner/registrant at the time of registration. Nothing in this Section shall preclude the owner/registrant from a natural, limited increase or extension of the rental period for the registered property, provided a zoning permit is first obtained under this Section.

d. Use of the property for transient purposes shall be restricted to the permitted residence(s) on the property and may not extend to any accessory structure except insofar as the accessory structures may be used by the guests for appropriate accessory uses. (e.g., a garage may be used for the storage of the tenant's automobile). Single-family residential property must be rented in its entirety. No permit for a Transient Residential Use may result in the creation of additional dwelling units on the property. (For example, the landlord may not continue to reside in a portion of a single-family residence while renting out another portion(s).

2. Regulations.

a. The minimum rental period for all transient use of any single-family residential property or housing unit shall be the greater of seven (7) consecutive calendar days or the minimum rental period set forth in enforceable, recorded conditions, covenants, and restrictions encumbering the property rented. Transient use of single-family residential property or housing unit for a term less than provided herein is hereby expressly prohibited.

b. The number of occupants in any residential unit for transient use shall not exceed one single family per housing unit. Each permit shall specify the maximum number of occupants allowed.

c. Availability of the rental unit to the public shall not be advertised on-site.

d. Any zoning permit issued pursuant to this Section shall require, as a condition of approval, that applicant who does not reside within a 25-mile radius of the residence being rented, designate a person located within a 25-mile radius of the rental unit, as a local contact person who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the permit issued and the provisions of this Section and other applicable provisions of this ordinance. The name, address, and telephone number(s) of such a designated person shall be furnished to the Zoning Officer prior to issuance of the permit and made available for public review. The permit holder shall promptly notify the Zoning Officer of any change in the local contact person's address or telephone number.

e. A copy of any permit and/or registration issued pursuant to this Section shall be furnished by the Zoning Officer to the Treasurer of Pike County.

f. The permit holder and/or registrant shall collect and remit to the Treasurer of the County of Pike, the transient occupancy tax for each rental unit pursuant to law.

g. The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide written notice to the homeowners' association if the subject property is within a subdivision governed by restrictive covenants that the homeowner's association has the power to enforce and submit proof of such notice to the Zoning Officer. In the event that the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association. If the homeowner's association fails to notify the Zoning Officer, in writing, of any objection(s) within 30 days of the association's receipt of the applicant's notice, the Zoning Officer may assume there are no objections and issue the permit.

h. Compliance with the requirements of this Section shall be considered a condition of approval, the violation of which may result in a revocation of any zoning permit by the Zoning Officer.

Section 439 - Camp Use

All camp subdivisions and developments shall have a minimum lot area of 100 acres. All campsites, tents, cabins, and other buildings and trails within a camp shall be located a minimum of 100 feet from any exterior property line of the camp. No campsite, tent, cabin, or other building shall be located closer than 200 feet from the property line of an existing residential use or residential zoning district at the time of plan submission. No campsite, tent, cabin, or other building shall be located closer than 50 feet from the top of the bank of a pond, lake, stream, or river. For any given time period, the gross density of a camp or day camp shall not exceed 20 people per acre. This includes campers and camp personnel.

Section 440 - Solar Farms and Solar Power Plants.

Solar farms and solar power plants shall be permitted in any zone as an electric-generating use, subject to site plan review by the Planning Commission, approval by the Board of Supervisors, and subject to the following supplementary regulations:

A. Solar farms and solar power plants shall be enclosed by perimeter fencing at a height of eight feet to restrict unauthorized access.

(1) The fencing shall be black, rubber-coated, and chain-linked.

(2) For any parcel of property that is primarily forested, no fencing shall be closer than 250 feet from any road. The setback shall be one hundred (100) feet from any other boundary line.

(3) For any parcel of property that is primarily clear of brush, trees, and other screening vegetation, no fencing shall be closer than 1,000 feet from any road. Notwithstanding the foregoing, if there is sufficient vegetation and/or topography that will result in appropriate screening, as determined by the Planning Board, the required setback may be reduced from 1,000 feet to 500 feet. The setback shall be one hundred (100) feet from any other boundary line.

B. Solar farms and solar plants cannot exceed 15 acres of property. No greater than 15% of a parcel of property will be permitted for use as a solar farm or solar power plant. This restriction shall apply to all residential zones. Notwithstanding the foregoing, two or more property owners may enter into appropriate agreements to form a contiguous aggregate parcel of property for the purposes of the development of a solar farm or solar power plant, provided that said combined parcel does not exceed 15 acres in the aggregate.

C.The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site, clearly visible.

D. Solar farm and solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.

E. No more than 15% of the total existing brush, trees, and other screening vegetation on a parcel of property may be removed in order to accommodate a solar farm.

F. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant, access roads, and accessory structures from public roads.

G. The average height of the solar panel array shall not exceed 10 feet.

H. Solar farm and solar power plant panels and equipment shall be ground-mounted only, and shall be surfaced, designed, and sited so as not to reflect unreasonable glare onto adjacent properties and roadways.

I. All on-site power lines shall be installed underground with the exception of the main service connection at the utility company right-of-way.

J. The following requirements shall be met for decommissioning:

(1) Solar farms and solar-power plants that have not been in active and continuous service for a period of one year shall be removed at the owner's or operator's expense.

(2) The site shall be restored to as natural a condition as possible within one year of removal.

440.1 Ground-Mounted and Free-Standing SMALL-SCALE Solar Collectors:

A. Ground-mounted and free-standing solar collectors generating less than 23 kW/hour and serving only the primary use on the same parcel for which the collector is located are permitted as accessory structures in all zoning districts of the Town, and do not require land development approval; subject to the following regulations:

1. Minimum parcel size is 2 acres.

2. Minimum setback to any property line is 50 feet.

3. Minimum setback to any structure or any component of a sewage disposal system is 10 feet.

4. Maximum height of the solar collector and mount is 10 feet.

5. The system shall be surrounded by a security fence 4 feet in height with posting of No Trespassing signs.

B. Building permits are required for the installation of all ground-mounted or free-standing solar collectors.

ARTICLE V - SIGNS

Section 501 - Erection and Maintenance of Signs

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

Section 502 - Signs in Residential Districts

Unless otherwise provided for in this Ordinance, the following types of signs and no other shall be permitted in the R-1 Low Density Residential Districts. All signs shall be subject to all General Regulations specified in Section 506.

502.1 Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: (1) the size of any such sign is not in excess of six (6) square feet; and (2) not more than one sign is placed by any broker/realtor (including the owner) upon any property in single and separate ownership, with a maximum of four (4) such signs per property.

502.2 Signs bearing the word "sold" or the word "rented" with the name of persons effecting the sale or rental may be erected and maintained, provided the conditions in subsection 502.1 hereof are complied with and such signs are removed within thirty (30) days after erection.

502.3 Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) the size thereof is not in excess of twelve (12) square feet; and (2) such signs are removed promptly upon completion of the work.

502.4 Trespassing signs or signs indicating the private nature of a driveway or property, provided that the size of any sign shall not exceed two (2) square feet, provided that trespassing signs related to private roads and driveways may be increased to sixteen (16) square feet.

502.5 Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained on the same premises to which the signs refer provided: (1) the size of any such sign is not in excess of fifty (50) square feet; and (2) not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage. Directional signs stating the name and location of such institutions may be erected within the Township as permitted as a conditional use. No such signs shall be greater than six (6) square feet. One changeable message sign for purposes of advertising sermons, activities, events, and the like at such institutions, which may be up to thirty-two (32) square feet, shall also be permitted.

502.6 Signs advertising home occupations may not be larger than four (4) square feet, and may include the name, occupation, and logotype or trademark, if appropriate, of the practitioner. This size may be increased to eight (8) square feet along Routes 6 and 739. Such signs shall not be illuminated.

502.7 On-site signs advertising the sale of farm products at an on-farm stand, provided: (1) the size of any such sign is not in excess of six (6) square feet; (2) not more than two signs are used; and (3) the signs shall be displayed only when such products are on sale.

502.8 Nameplates and Identification Signs. Signs indicating the name and address of the occupant shall be no larger than two (2) square feet in area.

502.9 Signs erected by a government entity to identify a public park or playground as defined in this ordinance, which signs shall not exceed such size and number as approved by the Dingman Township Board of Supervisors.

Section 503 - Signs in Rural and Limited Neighborhood Development Districts

Unless otherwise provided for in this Ordinance, the following types of signs and no other shall be permitted in RU Rural and ND2 Limited Neighborhood Development Districts. All signs shall be subject to all General Regulations specified in Section 506:

503.1 All signs permitted in Section 502 for Residential District, and those further provided for herein.

503.2 Signs advertising the sale and rental of the premises on which located, provided they do not exceed the limits of Section 502.1 hereof for dwellings or fifty (50) square feet per entrance to a mobile home park

503.3 Signs advertising or identifying a business or trade, provided they do not exceed three (3) per property and thirty-two (32) square feet each in area.

Section 504 - Signs in Conservation and Parks Districts

Unless otherwise provided for in this Ordinance, the following types of signs and no others shall be permitted in the Conservation and Parks CP District: All signs shall be subject to all General Regulations specified in Section 506.

504.1 Signs advertising the sale or rental of the premises upon which located, provided they do not exceed one sign-by any broker/realtor (including the owner) upon any property in single and separate ownership, with a maximum of four (4) such signs per property.

504.2 Name plates not exceeding two (2) square feet in area and one (1) per property.

504.3 Signs for the purposes of identifying the location of a non-residential use, other than Inns, provided such signs are located on the subject premises and relate only to the use of that particular property. Such signs shall meet the requirements for signs as set forth in Section 505.

504.4 Signs erected by a government entity to identify a public park or playground as defined in this ordinance, which signs shall not exceed such size and number as approved by the Dingman Township Board of Supervisors.

504.5 Signs for the purpose of identifying the location of an Inn, provided such signs are located on the business premises and relate only to the use of that particular property, and further provided that such signs do not exceed one (1) double-sided sign per property along a public street and sixteen (16) square feet each side in area.

504.6 Signs for purposes of identifying the location of a public or semi-public use shall be allowed, provided that such signs are located on the subject property and relate only to the use of the property, and shall not exceed two signs per road frontage, with no individual sign exceeding 32 square feet in area.

Section 505 - Signs in Neighborhood Commercial and Resort Commercial Districts

Unless otherwise provided for in this Ordinance, the following types of signs and no others shall be permitted in the Neighborhood Commercial NC and Resort Commercial RC Districts: All signs shall be subject to all General Regulations specified in Section 506.

505.1 All signs permitted in Residential, Rural, and Limited Neighborhood Development Districts except as further provided for herein.

505.2 Signs advertising or identifying a business or trade located on the lot upon which the business or trade is located, provided that each sign is no larger than fifty (50) square feet and that there are no more than three (3) signs per property.

505.3 Signs erected by a government entity to identify a public park or playground as defined in this ordinance, which signs shall not exceed such size and number as approved by the Dingman Township Board of Supervisors.

505.4 Signs for Multiple Use Sites. The following regulations shall apply with respect to sign requirements within an office complex, shopping center, shopping plaza, or mall, or a vehicle dealership of cars, trucks, farm equipment, recreational vehicles, motorcycles or ATV's that have more than one franchise. The sign requirements are as follows:

a. Free Standing Sign

Free standing commercial signs for office complexes, shopping centers, shopping plazas or malls or vehicle dealerships of cars, trucks, farm equipment, recreational vehicles, motorcycles or ATV's that have more than one franchise are permitted but shall be limited to one (1) sign per street frontage which identifies the entire complex. Individual offices, stores, or franchises within the site are prohibited from having individual free-standing signs. Free-standing signs shall not exceed 100 square feet in area; shall be set back not less than twenty (20) feet from the street right-of-way; and shall not exceed the height of thirty-five (35) feet above the highway grade. Signs under this subsection shall be exempt from Section 506.6 of the Ordinance.

b. Attached Commercial Signs for Individual Stores within a Shopping Center, Shopping Plaza or Mall

One (1) wall sign per business or franchise shall be permitted, except that corner businesses may provide an additional business sign on a second wall. Corner businesses shall be defined as businesses on a corner of a multi-occupant building where two sides face one exterior public roadway. Each business sign shall be attached to the wall of the building and shall project horizontally not more than 12 inches therefrom: shall have not less than nine (9) feet of clearance underneath and shall not be more than twenty (20%) percent of the total area of the portion of any street-facing building face assigned to the business or fifty (50) square feet, whichever is less. All such signs must be set back at least 50 feet from the property line. An applicant may increase the size of any sign under this section under the following formula: for every additional ten (10) feet of set back beyond the first fifty (50) feet, the size of any sign may increase by five (5%) percent up to a maximum of one hundred (100) square feet. Such attached commercial signs shall not be higher than the top of the building fascia, roof line or parapet upon which they are placed. Signs under this subsection shall be exempt from Section 504.4 (a) and 506.6 of the Ordinance.
c. Computation of Sign Area

In computing the square foot area of a double-faced sign under this section, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two (2) faces of the double-faced sign is greater than 45 degrees, then both sides of such a sign shall be considered in calculating the sign area. Signs under this subsection shall be exempt from Section 506.11 of the Ordinance.

505.5 Signs advertising the sale and rental of the premises on which located, provided they do not exceed one (1) per property road frontage and thirty-two square feet per sign in the Neighborhood Commercial District and sixty-four (64) square feet per sign in the Resort Commercial District. Such signs shall require permits from the Township if intended for the purpose of continually advertising rentals on the premises.

505.6 Signs listing the developer, general contractor, major subcontractors, financial partners and similar firms on the premises on which commercial development is taking place provided they do not exceed one (1) per property road frontage and do not exceed thirty-two square (32) feet per sign. Such signs shall require a zoning permit, which may

only be issued after zoning approval and subdivision and land development plan approval have been granted by the Township for the project. Such signs must be removed within 60 days of completion of the project.

505.7 Signs announcing the name and nature of a proposed commercial development on the premises on which commercial development is taking place provided they do not exceed one (1) per firm per property road frontage and do not exceed fifty (50) square feet per sign. Such signs shall require a zoning permit, which may only be issued after zoning approval and subdivision and land development plan approval have been granted by the Township for the project. Such signs must be removed within 60 days of completion of the project.

Section 506 - General Regulations for all Signs

The following regulations apply to all permitted sign uses:

506.1 Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.

506.2 No sign shall be placed in such a position that it will cause danger to traffic on street by light strobing, obscuring the view or otherwise causing a distraction due to the intensity of the color, lighting or design as shall be determined by the Zoning Officer based on industry and planning best practices related to sign construction and placement.

506.3 No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any public street, unless authorized by the Township Board of Supervisors for a special purpose except as provided for in Section 513 herein. Traffic and directional signs on private streets shall be subject to the regulation of the owners of such streets.

506.4 No sign shall project over a public sidewalk area more than eighteen (18) inches.

506.5 Overhead signs shall be at least nine (9) feet high, measured from the ground or pavement to the bottom-most part of the sign.

506.6 No sign shall exceed the height of twenty (20) feet as measured from the ground or pavement of the immediately adjoining street to the top-most part of the sign.

506.7 No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in Sections 502 and 504 in the Residential District

506.8 A permit is required for all other signs unless otherwise exempted by this ordinance.

506.9 Each sign shall be removed when the circumstances leading to its erection no longer apply.

506.10 Signs located on the interior of a property and not visible in any way from a State or Township Highway or adjacent property shall not be regulated by this Article.

506.11 Each side of a two-sided sign shall be considered to be a separate sign for purposes of calculating sign numbers. Notwithstanding this, Section 505.4.c shall apply with respect to sign area calculations.

506.12 The area of the sign shall be construed to include all lettering, wording, and accompanying designs and symbols together with the background, whether opened or enclosed, of which they display, but not including any subordinate framework or bracing incidental to the display itself.

506.13 Where the sign consists of individual letters or symbols attached to the building, wall, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape that encompasses all of the letters and symbols.

Section 507 - Lighting and Electronic Messaging

No flashing or oscillating light shall be permitted that, by reason of intensity, color, location, or movement or direction of its beam, may interfere with or abrogate public safety. Business, advertising, and other signs may include electronic messaging subject to conditional use review and approval, and the following:
507.1 Electronic message signs shall not display animation, flash or blink, scroll, or have intermittent or full motion video. Motion shall be limited to the transition from one message to another.

507.2 Electronic message signs of more than twenty (20) square feet in sign area shall be equipped with light sensors capable of measuring ambient light levels and dimming devices that shall lower the brightness of the sign based on the measured ambient light to minimize the brightness level required to make the sign visible. The dimming device shall minimize the illumination used to the lowest level necessary to make the sign conspicuous and visible during both daytime and nighttime hours. At no time shall the brightness level of any electronic message sign constitute glare.

507.3 No electronic message sign of more than twenty (20) square feet in sign area shall be located within 500 linear feet of any other electronic message sign on either side of a street.

507.4 Electronic message signs of more than twenty (20) square feet in sign area shall be located at least 150 feet from any existing dwelling located in the direct line of sight of the advertising on the same side of a street.

507.5 Transitions for electronic message signs shall fade and content shall not change more than once every ten (10) seconds with a transition time of not more than two (2) seconds.

507.6 No electronic message signs shall display any interactive message such as a message requesting that the viewer call a number for a chance to win a prize or claim a reward. Notwithstanding the foregoing, an Amber Alert message or similar message provided by a governmental entity on an electronic message sign shall not be considered an interactive message.

Section 508 - Semi-Public, Historic and Natural Feature Identification Signs

In any zone, semi-public, historic, and natural feature identification signs shall be permitted as a conditional use. Non-commercial signs, under this Section, shall be defined as any signs that do not relate to a product, service, attraction, or activity that is available to the public, or a portion thereof, for sale or rental. Any such signs shall be no greater than thirty-two (32) square feet in size on any one side. In determining whether or not the conditional use shall be granted, the governing body shall apply the standards outlined in Section 404.

Section 509 - Off-site Advertising

Off-site advertising signs shall be permitted as a conditional use along Routes 6 and 739 only in the Neighborhood Commercial and Resort Commercial Districts and in no other locations. Any such signs shall be no greater than four-hundred-fifty (450) square feet in size on one side. They shall be no closer than fifty (50) feet to the street line of any abutting streets and shall be no closer than five hundred (500) feet to any other such sign that is permitted or non-conforming, excepting that double-faced signs shall be permitted and provided no off-site advertising sign shall be placed closer than two-hundred (200) feet from any existing dwelling. In determining whether or not the conditional use shall be granted, the governing body shall apply the standards set forth in Section 404.

Sectión 510 - Temporary Signs

10.1 Any sign(s) that refers to a particular and specific event, campaign, promotion, or activity may be erected as a permitted use for a period not to exceed ninety (90) days, provided that the sign(s) otherwise complies with the provisions of this Article. This Section shall not, however, apply to signs regulated by Sections 502.1, 502.2, and 502.3

510.2 A bond for the timely removal of any temporary sign shall be posted in accordance with a fee schedule established by resolution of the Board of Supervisors from time to time. In the event that the temporary sign is not removed as required herein, the Zoning Officer or his or her designate may have it removed, and the reasonable cost of such removal will be deducted from the bond. The applicant will then be required to replenish the amount of bond used for the removal of the sign before any new signs are erected. Before placing any temporary sign on any property not owned by the person wishing to place the sign, written permission of the property owner must be obtained. No free-standing temporary signs may be illuminated, and all temporary signs must be kept in good repair.

Section 511 - Multi-Family Dwelling Signs

Two (2) signs identifying a multi-family dwelling project shall be permitted on the premises of the project, provided such signs do not exceed thirty-two (32) square feet in size. One (1) sign identifying each residential building shall also be permitted, provided such sign shall not exceed one (1) square foot in size and shall be attached to the building. One sign for each common recreational building, structure, or area shall be permitted, not to exceed six (6) square feet. Traffic control, directional, and parking signs shall be allowed without permits on interior roads. "NO TRESPASSING" signs not to exceed sixteen (16) square feet shall also be permitted on the premises. All signs allowed under this section shall be permitted uses. Section

512 - Private Community Development Signs

The following signs shall be permitted in Private Community Developments, being any development with ten (10) lots or more and having a private road access:

512.1 Two community entrance signs, which identify the development, shall be permitted within the right-of-way of a private development road and shall not exceed thirty-two (32) square feet.

512.2 No trespassing signs may also be permitted within the right-of-way of a private development road and shall not exceed sixteen (16) square feet.

512.3 One (1) building identification sign for each building in the development showing the building name, number, or letter shall be permitted and shall not exceed one (1) square foot.

512.4 One (1) identification sign per recreational building shall be permitted and shall not exceed six (6) square feet.

512.5 All signs allowed under this section shall be a permitted use.

Section 513 - Attraction Signs

The Dingman Township Zoning Ordinance hereby incorporates into this ordinance PennDOT Traffic Engineering and Operations Manual, Chapter 1, Section 7 "Tourist Oriented Directional Signing (TODS) Policy", and any future amendments thereto, by reference thereto. A copy of that manual is attached hereto, made a part hereof, and is marked Appendix "A". Attraction signs, for which a permit is previously obtained from PennDOT, are hereby permitted subject to the following conditions:

513.1 No sign shall exceed 48" by 16".

513.2 No attraction signs shall relate to locations outside of Dingman Township, other than neighboring municipalities with which Dingman Township has a reciprocal agreement.

513.3 The location of all signs, as permitted by PennDOT, shall be subject to the approval of the Road Master of Dingman Township.

513.4 Attraction signs will only be permitted on state highways.

513.5 All costs associated with such signs, including, but not limited to, construction of the sign, installation, maintenance, replacement, state permit fees, and township fees, shall be paid by the applicant. The Township will not be obligated to pay any fees or costs for signs erected under this provision.

Section 514 - Public Interest, Political and Religious Signs

The following section is intended to provide for political and religious signs pursuant to Pennsylvania and U.S. Supreme Court case law:

514.1 Public interest, political, and religious signs designed for permanent placement shall be permitted subject to this chapter pertaining to other signs. Political and religious signs designed for temporary placement relating to an event, or a political or religious issue of concern to the general public, shall be governed by this Section 514.1. The person, organization, party or entity responsible for any such signs is encouraged to complete and file with the Township a disclosure form, as provided by the Township, which gives the name, address, telephone number, and/or e-mail address of such responsible person, party, or entity. If no disclosure form is filed, the Township will send any notices to the candidate or the candidates' election committee if it can be readily determined. Temporary public interest, political, and religious signs shall be exempt from the permit requirements of this ordinance, provided that no sign shall be displayed for more than twenty-one (21) days following the event for which it is erected, if applicable. Such signs may not:

a. Be placed inside the curb line or edge of pavement, or within the shoulder of the road, as applicable.

b. Be placed in a location where they block or obstruct the view of traffic so as to be hazardous.

c. Exceed thirty-two (32) square feet in size.

d. [subsection deleted]

e. Be placed on any utility pole, streetlight pole, traffic or parking sign or device, including any post to which such sign or device is attached, historical marker, or tree in the public right-of-way.

514.2 Violation of any provision of this section shall subject the responsible person, party or entity to the enforcement powers of this ordinance, including, but not limited to, the removal cost provisions of 510.2, Section 706, and Section 707.

Section 515 – Day Care Facilities Uses and Minor Day Care Uses

515.1 Day Care Facilities - Day Care Facility signs shall be limited in size and number to that generally permitted for a business in the subject district.

515.2 Minor Day Care Uses:

a. Minor Day Care Use signs shall not exceed one double-sided sign of a size not to exceed six (6) square feet.

b. Signs indicating parking areas, the direction of traffic flow, the location of a building entrance, etc., shall be permitted provided that the sign does not exceed two (2) square feet in size and does not contain the company name, logo, or any form of advertising. Such signs shall not require permits.

ARTICLE VI OFF-STREET PARKING, LOADING, AND UNLOADING REQUIREMENTS

Section 601 - General Regulations

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

601.2 Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces. The net parking space per vehicle shall be not less than nine (9) feet wide and twenty (20) feet long.

601.3 Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Commission, provided a written agreement, approved by the municipal solicitor and accepted by the Board of Supervisors, shall be filed with the application for a zoning certificate.

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

601.5 Parking shall not be permitted on a public right-of-way.

Section 602 - Parking Facilities Required

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. The Township Board of Supervisors may modify these requirements, however, based on competent surveys, data from the Institute of Transportation Engineers, and similar sources, to accommodate special needs, accommodate shared parking arrangements, or otherwise ensure adequate parking for a particular use.

USE	PARKING SPACES REQUIRED
Auto Sales / Repair	5.5 per 1,000 square feet of gross floor area
Boat Liveries	1 per watercraft per rent +1 per employee
Bowling Alleys	5 per alley

Camp Uses	.25 per camper + 0.50 per employee
Car Washes	2.5 per bay or stall for stacking space
Churches / Other Places of Assembly	1 per 3 seats
Day Care / Minor Day Care / Nursery Schools	1 per employee + 1 per 5 persons under care
Drive-in Eating Facilities	3 per employee
Food Markets/Grocery Stores	1 per 100 sq. ft. of public floor area
Funeral Homes	1 per 100 sq. ft. of public floor area
Golf Courses/Commercial Outdoor Recreation	1 per every 2 participants
Home Occupations	1 per employee, other than occupant
Hospitals/Clinics	1 per bed + 1 per employee
Kennels	2 for every 10 animals + 1 per employee
Industrial Establishments	1 per employee on the largest shift
Hotels and Other Lodging	1 per guest room
Nursing Home/Assisted Living	1 per 3 beds + 1 per 4 employees
Office Buildings	1 per 200 sq. ft. of floor area
Personal Services	4 parking spaces each
Recreational Buildings	1 per 200 sq. ft. of floor area
Residential/Model Homes	2 per dwelling unit
Restaurant/Taverns	1 for every 2.5 restaurant/bar seats
Retail/Service Businesses	1 per 200 sq. ft. of public floor area
Schools (Except Nursery Schools)	1 per every 15 classroom seats
Service Stations/Convenience Stores with Gas	1 per 100 sq. ft. of floor area
Senior Housing	0.75 per unit + 1 per employee-largest shift
Shopping Centers	4.0 per 1,000 sq. ft. of gross floor area
Swimming Pools	1 per 10 sq. ft. of water surface
Wholesale and Trucking Establishments	1 per employee on the largest shift
Other Land Uses	To be determined by the Board of Supervisors

Section 603 - Loading and Unloading Space

603.1 In addition to the off-street parking space required above, any building erected, converted or enlarged in any district for commercial, office building, manufacturing, wholesale, hospital or

similar uses, shall provide adequate off-street areas for loading and unloading of vehicles This provision may be waived in the case of uses determined by the Township Board of Supervisors to not involve significant large truck deliveries.

603.2 The minimum size loading space, where required, shall be sixty (60) feet in depth, twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted, or enlarged for commercial, manufacturing, or business purposes shall the public rights-of- way be used for loading or unloading of materials.

Section 604 - Access to Off-Street Parking and Loading Areas

604.1 Access to and from all off-street parking, loading, and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

a. Access drives shall not open upon any public right-of-way line of any intersecting public street or highway where the sight distance in either direction would be less than three hundred (300) feet.

b. There shall be no more than one entrance and one exit to any business or parking area on any one highway. Each entrance and exit shall be clearly defined with curbing, fencing, or vegetative screening so as to prevent access to the area from other than the defined entrances and exits. In no case shall one entrance and exit be located within eighty (80) feet of any other on the same property or adjoining property along the same public right-of-way. Nonconforming lots, however, shall be exempt from this requirement.

c. Any subdivision of property within an NC District shall provide no more than one common entrance and one common exit on any public right-of-way. Interior access drives shall be provided for the movement of traffic to the public right-of-way.

Section 605 - Parking and Loading Area Setbacks

All non-residential parking areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth.

ARTICLE VII ADMINISTRATION

Section 701 - Zoning Officer

It shall be the duty of a Zoning Officer, to be appointed by the Township Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements

of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the Township Supervisors may require. Permits for construction and uses that are conditional uses shall be issued only upon written order of the Planning Commission and the Township Supervisors. Permits for construction and uses that are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

Section 702 - Permits

702.1 Requirements of Permits - A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; before the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.

702.2 Applications for Permits - All applications for permits shall be signed by the property owner and by any tenant or other occupant of the property who may be the actual applicant and shall be accompanied by plot sketch drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of building, the number of families or dwelling units the building is designed to accommodate, the areas of existing and proposed earth disturbance activity, a copy of the recorded deed showing the current record title owner and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied. Applications for uses which also necessitate approvals under the Dingman Township Subdivision Ordinance shall be processed in the manner provided for plot approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance.

For all commercial uses and all lots less than one (1) acre in size the site plan set forth above shall be a survey drawn by a PA registered surveyor certified to the current owner, except, however, those applications in which the entire proposed project involves no new uses and no construction that involves areas of the lot beyond the footprint of any existing structures shall not require a survey. All site plans larger than 11"x17" shall be submitted in duplicate. Applications determined to be Conditional Uses or Special Exceptions may require additional plan copies following said determination. For all applications filed on behalf of a Partnership or Corporation, a completed and notarized Certificate of Incumbency must be submitted on a form prepared and provided by the Township.

702.3 Issuance of Permits - No permit shall be issued until the Zoning Officer has certified that the proposed building, addition, or alteration complies with all the provisions of this Ordinance as well as with all provisions of other applicable regulations. A permit issued hereunder, including any permit issued for a conditional use or special exception, shall become void twelve (12) months after the issuance date.

702.4 Temporary Permit - A temporary permit may be authorized by the Board of Supervisors for non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1)year and may be renewed annually for an aggregate period not exceeding three (3) years.

Section 703 Fees

1. The Board of Supervisors shall establish a uniform schedule of fees, charges, and expenses, as well as a collection procedure for application fees and other costs and fees for zoning permits, special permits, variances, and other matters pertaining to this Ordinance. The said schedule of fees shall be posted in the office of the Zoning Officer.

2. Certain fees and costs must be paid at the time of application as indicated in the schedule. Other fees and costs, incurred after application, must be paid or reimbursed to the Township as they are incurred.

3. Permits, special exceptions, and variances shall be issued only after all outstanding fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full. After application, the Applicant shall be invoiced for all fees promptly by the Township.

4. In the event that payment in full has not been received by the Township of all fees within fifteen (15) days after the invoice for same has been mailed or issued, the Township or Zoning Hearing Board may, in its discretion, deny the pending application and provide no reason for the denial other than the non-payment of the appropriate fees.

Section 704 - Inspection

704.1 Inspection by the Zoning Officer - It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections on property for which a permit has been issued:

a. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

b. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to the issuance of a Certificate of Use Permit.

Section 705 - Certificate of Use

705.1 A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure, or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

705.2 No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered, or changed in use shall be occupied or used, until a Certificate of Use shall have been regularly issued therefore by the Zoning Officer.

705.3 A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.

705.4 A Certificate of Use for the use or occupancy of vacant land or an existing building shall be required before any such land or building shall be occupied, used, or changed in use, subject to the following.

a. A change in ownership of a business, operation, or property shall not be considered a change of use for these purposes and shall not require a Certificate of Use.

b. A shift from one activity to another within a single use category listed on the Schedule of District Regulations (e.g. a change from a bakery to a fish shop, 3 both of which are Specialty Shops as defined in this Ordinance or a change from an insurance office to a law office, both of which are Business and Professional Offices) shall not be considered a change of use, but shall, nonetheless, require a Certificate of Use for purposes of determining conformance with this Ordinance. Such Certificate of Use shall be issued within fifteen (15) days after application has been made, provided such proposed use otherwise conforms with this Ordinance.

c. Any change from one category of uses to another (e.g., from a bakery to an insurance office) shall be considered a change of use and be fully subject to review and approval requirements of this Ordinance, including a Certificate of Use. Such Certificate of Use shall be issued within fifteen (15) days after application has been made in the case of Principal Permitted Uses and Accessory Uses, after Board of Supervisors approval in the case of Conditional Uses, or after Zoning Hearing Board approval in the case of Special Exceptions.

705.5 A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such a certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension conforms with the provisions of this Ordinance.

705.6 A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

705.7 In addition to all other requirements, no certificate of use shall be issued for any new or existing structure unless and until:

1. There is in place a street number sign pursuant to the following specifications:

    a. Street number signs shall be constructed of reflective material and placed a minimum of three (3') feet and a maximum of six (6') feet above the adjoining road measured at the curb.

    b. The lettering on such signs shall be a minimum of three (3") inches in height.

    c. The lettering shall clearly and legibly indicate, in block letters, the designated 911 street address for the subject premises.

2. The property owner/applicant has received final approval (or certificate of occupancy, as applicable) for any and all municipal permits issued for the subject project, including, but not limited to, sewage, well, building, storm water, and highway occupancy permits.

Section 706 - Violations

Failure to comply with any provision of this Ordinance, failure to secure a permit, Zoning Hearing Board Certificate, when required, previous to the erection, construction, extension, or addition to a building; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When an enforcement notice alleging violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, occupant, and/or contractor, the party upon whom the notice is served shall perform in accordance with that notice. Section

707 - Penalties and Remedies

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any provisions of this Ordinance or amendment thereto. Any person, partnership or corporation who or which shall violate or permit to be violated the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding brought by the Township, pay a judgment of not more than five hundred ($500) dollars plus all court costs, including reasonable attorney's fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of the violation by a district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment in the manner provided in the rules of civil procedure. Each day that a violation is continued shall constitute a separate offense, unless the district justice that determines that a violation has occurred further shall determine that there was a good faith basis for the defendant to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by such district justice and thereafter every day shall constitute a separate offense. All judgments and costs collected for the violation of zoning ordinances shall be paid over to the Township Supervisors.

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance the Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.

Section 708 - Zoning Hearing Board

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall 5 have the number of members and alternate members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The duties of the Zoning Hearing Board shall be limited to the following:
708.1 The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

708.2 The Board shall hear challenges to the validity of a Zoning Ordinance or map excepting cases where there has been an alleged defect in the process of enactment or adoption and where a landowner, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest.

708.3 The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

708.4 The Board shall hear and decide requests for special exceptions pursuant to the criteria also applying to conditional uses and outlined in Section 404.

708.5 The Board shall hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development.

The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district. In all its actions, the Zoning Hearing Board shall follow procedures as provided in Articles IX and X of the Pennsylvania Municipalities Planning Code.

Section 709 - Appeals

An appeal of this Ordinance, an appeal of the decision of the Zoning Officer, a request for special exception, or a request for variance shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

709.1 The name and address of the applicant.

709.2 The name and address of the owner of the real estate to be affected by such proposed exception or variance.

709.3 A brief description and location of the real estate to be affected by such proposed change.

709.4 A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

709.5 A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.

709.6 Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and the size of improvements now erected, and proposed to be erected thereon. If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Appeals shall otherwise be processed in conformance with the requirements of Article X of the Pennsylvania Municipalities Planning Code.

Section 710 - Variances

The Zoning Hearing Board shall have the power to authorize such variances from this Ordinance as are permitted under the Municipalities Planning Code. All applications for variance shall be initiated by the filing of an application for the same with the Zoning Officer. The application shall include the section or sections of the Ordinance from which the variance is requested; an exact description of the of the variance requested and the reasons for the variance, including comments on the standards as hereinafter provided, together with such maps, drawings, or other plans that the applicant may provide to describe the request. Upon receipt, the Zoning Officer shall immediately forward a copy of the application to the Zoning Hearing Board, the Board of Supervisors, and the Township Planning Commission. The Planning Commission shall review the application at its next regularly scheduled meeting or at such special meetings as it may choose to call and forward a report and recommendations thereon to the Zoning Hearing Board. The Board may grant a variance provided that the following findings are made, where relevant in a given case:

710.1 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;

710.2 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 of a variance is therefore necessary to enable the reasonable use of the property;

710.3 That such unnecessary hardship has not been created by the appellant;

710.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public wélfare; and

710.5 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.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Act and the Zoning Ordinance.

This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute a re-zoning.

Section 711 - Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code, as enacted or hereinafter amended. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Section 1004 of the Pennsylvania Municipalities Planning Code, as enacted and hereinafter amended.

Section 712 - Validity

If any section of this Ordinance shall be found to be invalid, the other sections of the Ordinance shall not be affected thereby.

ARTICLE VIII ENACTMENT

This Ordinance is hereby approved and enacted as an Ordinance of the Township of Dingman, Pike County, Pennsylvania, this day of 1983, and all other ordinances and parts of ordinances inconsistent herewith are repealed.

Approved as amended by Ordinance No. 42, enacted on 18 May 1982, and by Ordinance No. 45, enacted on 19 July 1983.

_____
Supervisor

_____
Supervisor

_____
Supervisor

_____
Township Secretary

Keeping of Animals

Legal Notice: While every attempt has been made to be as accurate as possible, the material found on these pages represents an unofficial copy of the Dingman Township Ordinance. When in conflict, the original signed official documents kept in the Township Building shall prevail. Persons relying on this version shall do so at their own risk.

Copies of this ordinance may also be obtained through the Dingman Township Office.

Ordinance #41

AN ORDINANCE PROVIDING REGULATIONS FOR THE KEEPING OF CERTAIN ANIMALS WITHIN DINGMAN TOWNSHIP AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Section 1 Purpose

The purpose of this ordinance is to provide basic minimum standards for the keeping of horses and chickens; to minimize the adverse effects of the keeping of horses and chickens on persons, and to protect the health, safety, and welfare of the citizens of Dingman Township. This Ordinance does not apply to farms operating under the Pennsylvania-Right-Farm Act.

Section 2 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

Chicken - A member of the species Gallus domesticus.

Chicken Coop - A structure designed to house and provide nesting areas for chickens.

Chicken Pen - An area surrounding the chicken coop that is enclosed by fencing designed to allow chickens freedom of movement in an outdoor area.

Domestic Poultry - Any species of domesticated fowl, including, but not limited to, chickens, turkeys, ducks, geese, guinea fowl, peafowl, etc.

Horse - any animal belonging to the biological order of Equus caballus.

Stable - A building or structure of durable construction, permanently affixed to the ground, used for the boarding, sheltering, or housing of horses. This term shall specifically exclude shipping containers or crates, truck bodies, vans, or similar nonpermanent enclosures.

Section 3 Permit Requirements

No person shall board, shelter, or house horses or chickens in Dingman Township without first obtaining from the Zoning Officer a permit therefore, as required by the Dingman Township Zoning Ordinance.

Section 4 Regulatory Standards

In the keeping and housing of horses, the following regulations regarding the same shall be followed:

A. No horse shall be kept or maintained in Dingman Township unless such animal(s) has a stable for its shelter.

B. Owners of horses shall provide enclosures for such animals to prevent them from escaping or becoming a nuisance. Any corral or other form of exercise yard shai! be enclosed by a fence, not less than four feet and not more than eight (8) feet in height, designed and constructed to contain such animals therein. Any horse found to be running at large on any public or private property without the consent of the owner of such property shall constitute a violation of this chapter.

C. Stables used for the housing of horses shall be well ventilated and provided with natural or artificial light, and be properly waterproofed to prevent the leakage of water.

D. All structures used for the keeping or maintaining of horses, whether they be used for shelter, storage of feed, supplies, equipment, or any other related purpose, shall conform to the standards contained in the Building Code.

E. All stables and accessory buildings shall be fogged or sprayed at least once a week with insecticides that are designed to kill flies and rodents.

F. All stables shall have a sufficient supply of water for cleaning and flushing purposes. All stables, accessory buildings, and corrals shall be cleaned of all manure, feculent matter, and waste at least once daily.

G. All manure, feculent matter, and waste must be placed in an appropriate storage area so that flies, insects, or rodents cannot have immediate access to the contents thereof and that noxious odors do not emanate therefrom. Each such area shall be fully cleaned at least every six (6) months. No such area shall be within twenty (20) feet of any adjoining dwelling or 100 feet of any property line.

Section 4-A Regulatory Standards for the Keeping of Chickens

A. Only female chickens (hens) may be kept under this Ordinance. Male chickens (roosters) and neutered males (capons) are prohibited.

B. It shall be unlawful for the owner or owners of any chicken to allow the same to run at large upon any public or private property in the Township. Any chicken not contained within a chicken pen shall be deemed "at large".

C. Sanitary Requirements. All owners of chickens within the limits of the Township are hereby required to house the same at all times under sanitary conditions so that the keeping of said chickens shall not become a public or private nuisance.

1. All chicken feces accumulated on private property shall be removed by using the approved sanitary method of double bagging and placing the same in the trash for collection unless composted on the same property as described herein

or spread on a bona fide farm where the manure is being used as fertilizer under normal farming practices and as approved in an approved manure management plan.

2. Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces do accumulate on private property, the appropriate designee of the Township may conduct an investigation, after which the accumulation may be declared a public hazard or nuisance, and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces may be given personally to the owner or may be sent by registered mail, and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.

3. In addition to the above, any property owner desiring to keep chickens must file and receive approval of a manure management plan by the Pike County Conservation District.

D. Composting. It shall be unlawful for any person to spread or cause to spread or deposit upon any ground or premises within the Township any chicken manure except for bona fide farming operations where the manure is being used as fertilizer under normal farming practices. However, chicken manure may be composted on the property where the chickens are housed, and the composted material then applied to gardens or yards. No such compost pile shall be placed within 50 feet of any water well, stream, or pond, nor within 100 feet of any established residence not on the subject property, nor any water well.

E. No person shall slaughter any chicken in the Township except for home use. Home use being for the home where the chickens are kept.

F. All feed, water, and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice, or other rodents or vectors. Failure to keep all feed, water, and other items associated with the keeping of chickens in a clean and sanitary condition shall constitute a violation of this ordinance.

Section 4-B Keeping of Other Domestic Poultry

The keeping of domestic poultry other than chickens is prohibited.

Section 5 Public Nuisances

In accordance with the purposes set forth in the introductory clauses, violation of Section 4 of this chapter, either in whole or in part, will be deemed to constitute a condition that endangers the health, safety and welfare of the public and is hereby declared to be a public nuisance. Such nuisance is subject to abatement at the expense of the owner.

Section 6 Number of Horses

The provisions of this chapter, as set forth in the previous sections shall not be interpreted to enlarge the number of horses housed within Dingman Township, but such number shall be limited in accordance with the provisions of the Zoning Ordinance, as amended.

Section 7 Enforcement Officers

The Code Enforcement Officer is hereby designated as the officer charged with the enforcement of this chapter.

Section 8 Responsibility of Owners and Controllers

It shall be unlawful for any person who owns or controls property within Dingman Township to permit a violation of the provisions of this chapter thereon, and any such person who permits a violation on property owned or controlled by him shall be responsible for such violation.

Section 9

Any person, partnership or corporation who or which shall violate or permit to be violated the provisions of this ordinance shall, upon being found guilty therefore in a proceeding brought by the Township before a District Justice, pay a fine of not more than one thousand ($ 1000.00) dollars plus all court costs, including reasonable attorneys fees incurred by a municipality as a result thereof. No fine shall commence or be imposed, levied or be payable until the date of determination of the violation by a district justice. Each day that a violation is continued shall constitutea separate offense, unless the district justice that determines that a violation has occurred further shall determine that there was a good faith basis for the defendant to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by such district justice and thereafter every day shall constitute a separate offense. All fines and costs collected for the violation of this ordinance shall be paid over to the Township Supervisors. In case of any violation of this ordinance, the Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such violation.