

**SCOTT TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA**

**ZONING ORDINANCE OF
JULY 25, 2003**

**SCOTT TOWNSHIP
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570-254-6969**

Scott Township, Lackawanna County, Pennsylvania
Ordinance No. 03-7-24

AN ORDINANCE ADOPTING THE 1997 SCOTT TOWNSHIP ZONING ORDINANCE COMPILATION (ORIGINALLY ADOPTED AS ORDINANCE NO. 87.11F ON NOVEMBER 19, 1987, AND AMENDED BY ORDINANCE NO. 93-9-9 ON SEPTEMBER 9, 1993, ORDINANCE NO. 94-10-13 ON OCTOBER 13, 1994, AND ORDINANCE NO. 97-4-17 ON APRIL 17, 1997) WITH AMENDMENTS ENACTED BY ORDINANCE NO. 99-5-4 ON MAY 4, 1999, ORDINANCE NO. 00-7-21-A ON JULY 21, 2000, ORDINANCE NO. 00-10-19-1 ON OCTOBER 19, 2000, AND ORDINANCE NO. 01-01-25 ADOPTED ON JANUARY 25, 2001, AS THE OFFICIAL SCOTT TOWNSHIP ZONING ORDINANCE AND ADOPTING THE ZONING MAP REDRAWN AND REUPDATED AS THE OFFICIAL SCOTT TOWNSHIP ZONING MAP.

BE IT HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of Scott Township, Lackawanna County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L.805 No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended to date, known and cited as the "Pennsylvania Municipalities Planning Code" as well as the powers vested by virtue of the Second Class Township Code and pursuant to public hearings and after due advertisement, as follows:

The 1997 Scott Township Zoning Ordinance Compilation (originally adopted as Ordinance No. 87.11F on November 19, 1987, and amended by Ordinance No. 93-9-9 on September 9, 1993, Ordinance No. 94-10-13 on October 13, 1994, and Ordinance No. 97-4-17 on April 17, 1997) together with amendments enacted by Ordinance No. 99-5-4 on May 4, 1999, Ordinance No. 00-7-21-A on July 21, 2000, Ordinance No. 00-10-19-1 on October 19, 2000, and Ordinance No. 01-01-25 adopted on January 25, 2001, a complete copy of which is attached hereto and incorporated herein by reference, is hereby adopted as the official Scott Township Zoning Ordinance, in its entirety, and shall hereafter be known collectively as the "Scott Township Zoning Ordinance of July 25, 2003".

BE IT FURTHER ORDAINED AND ENACTED, that the redrawn and updated zoning map, attached hereto and incorporated herein by reference, is hereby adopted, in its entirety, as the official Scott Township Zoning Map, which corresponds with the aforesaid Zoning Ordinance.

This ordinance is to take effect the 25th day of July, 2003.

SCOTT TOWNSHIP
ZONING ORDINANCE COMPILATION

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SCOTT TOWNSHIP ZONING ORDINANCE

INTRODUCTION

This Zoning Ordinance is enacted under the authority granted to Townships in Pennsylvania by the Municipalities Planning Code. It consists of a Zoning Map dividing the Township into several districts or zones and a set of regulations governing certain uses of lands within those districts. The Ordinance itself involves a statement of purposes, definitions of the key terms used in the Law and various forms of regulations. These include a set of allowable uses, some of which are permitted as a matter of right and others which are permitted only after review by local authorities. The allowable uses are detailed for each district on a "Schedule of District Regulations" contained in Article III. Contained in the Schedule of Development Regulations are listings of development standards (i.e. minimum lot size, minimum height, yard requirements, etc.) which apply to each district.

There are, in addition to the use regulations and general development standards, supplementary standards applicable to certain specific uses and some aspects of all uses. These include parking regulations, and special restrictions on various uses. These are labeled "Supplementary Regulations" and are contained in Article IV of the Ordinance.

The remainder of the Law deals with procedures. It details how non-conforming uses (that is uses which are existing and do not meet the standards of the Ordinance) will be treated, how various types of permit applications will be handled, what the Zoning Officer will do and how the Ordinance is affected by or affects other Township Ordinances and Court decisions. The Zoning Hearing Board is also created to act as a local court in interpretation of the Ordinance. The procedures for its operation are outlined in Article VI which also deals with other procedural matters.

Article VII is simply an enactment section which marks the official adoption of the Ordinance.

Questions regarding the Ordinance can be directed to the Scott Township Board of Supervisors.

ARTICLE I - GENERAL PROVISIONS

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 Scott Township, Lackawanna County, Pennsylvania. This Ordinance shall be known as, and may be cited as the Scott Township Zoning Ordinance.

102 Purpose

This Ordinance is created for the purpose 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.

103 Community Development Objectives

The Community Development Objectives of this Zoning Ordinance shall be identical to the Goals and Objectives for Scott Township as expressed in the Scott Township Comprehensive plan, as adopted and amended by the Scott Township Board of Supervisors. This Ordinance is intended to be one of the tools used to implement the Comprehensive Plan and any amendments or updates thereof.

The Ordinance is also intended :

- A. To provide the opportunity for safe, decent, sanitary housing and living environments, with the maximum range of choice in type and location for all families and individuals.
- B. To recognize the constraints of the Township's physical environment by restricting or prohibiting development on poor soils.
- C. To provide open space to meet future recreation and water supply and other community needs.
- D. To recognize portions of the Township as natural expansion areas for the Clarks Summit and Scranton/Carbondale areas.

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 Township.

ARTICLE II - DEFINITIONS

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

Abandoned or Junked Vehicle: Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition.

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

Adult Care Facility: See "Health Facility."

Adult Business: A use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade or involves the sale, lease, trade, gift or display of drug paraphernalia. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any specified anatomical areas and/or specified sexual activities. Drug paraphernalia includes any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

For the purposes of this Ordinance, "adult businesses" shall also include any nightclub, bar, restaurant, arcade, theater, or any other establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.

- A. Specified Anatomical Areas - As used herein, specified anatomical areas means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- B. Specified Sexual Activities - As herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

Agricultural Use: The use of any parcel of land for economic gain in the raising of agricultural products or livestock. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes commercial stables, private stables and dog kennels; the disposal or use of sludge, septage or similar waste products; and agricultural products processing.

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

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

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

Amusement Arcade: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

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

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals for extended periods is part of the care given at the facility.

Antenna Height: The vertical distance measured from the base of the antennae support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antennae height.

Antenna and Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

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

Applicant: See "Person"

Assisted Care Dwelling Unit for Relative: A living area attached to the principal dwelling unit or separate mobile home especially erected for and limited to the temporary occupancy by a person who is "related" (see definition) to the permanent residents of the principal dwelling unit on the parcel. Such use shall be restricted to a relative who needs such accommodations because of old age or illness.

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

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

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

Building Coverage: The area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

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

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

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

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

Cell Site: A tract or parcel of land that contains the cellular phone antenna, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to cellular phone service.

Child Care Center: A use involving the supervised care of children under age sixteen (16) outside of the children's own home primarily for periods of less than eighteen (18) hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a "nursery school." The following three types of child care operations are permitted without regulation by this Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services, and 3) care of one (1) to three (3) children within any dwelling unit, in addition to children who are relatives of the care giver.

- A. Child Care, as an Home Occupation: A type of "day care" use that provides care for four (4), five (5) or six (6) children at one time who are not relatives of the care giver.
- B. Child Care Center, as a Principal Use: A type of "day care" use that provides care for seven (7)

or more children at any one time who are not relatives of the primary operator.

Church: A building used for public worship. (See also Semi-public Buildings and Uses).

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

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not 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 subdivision are maintained and the resultant land area is devoted to common open space.

Commercial Antenna Site: A tract or parcel of land that contains a commercial antenna for communication service (such as for telephone, television, radio, and two-way radios), its support structure, accessory building(s), and parking, and may include other used associated with and ancillary to the transmission.

Commission: The Planning Commission of Scott Township, Lackawanna County, Pennsylvania.

Common Facilities: Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

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

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 Township Board of Supervisors after recommendations by the Planning Commission.

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

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

Country Club: A recreational property owned and managed by a membership organization and including recreational facilities, restaurant and meeting rooms; but not including any shooting facilities.

Crop Production: An agricultural use involving the use of land for the raising of cultivated plants or agricultural produce such as grain, vegetables, silage, or fruit. The definition excludes commercial greenhouses and commercial nurseries as defined by this Zoning Ordinance.

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

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

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

Development Improvements: All the physical additions and changes to a tract and the constructed facilities necessary and/or required by the Township to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

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

Disturbance: Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

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

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

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

- A. Residential Conversion to Apartments - Conversion of an existing single-family detached dwelling having been used as such for ten (10) or more years into three (3) to five (5) dwelling units and not exceeding two and one-half (2 1/2) stories in height.
- B. Garden Apartment - A multi-family dwelling not exceeding two and one-half (2 1/2) stories in height and containing three (3) or more dwelling units which are located one over the other and which, when more than three (3) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common stairwell.
- C. Townhouse - A multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 1/2) stories in height in which each unit has its own front and rear accesses to

the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls without openings.

- D. Apartment Building - A multi-family dwelling containing dwelling units having only one (1) floor and typically with an entrance door to a common hallway shared by other dwelling units.

Dwelling, Single-Family: A single-family detached dwelling on an individual lot which complies with the required front, side and rear yard setbacks.

Dwelling, Two-Family: Dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units.

Earth Disturbance Activity: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

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

Family: Either an individual, or two (2) or more persons related by blood or marriage or adoption or up to five (5) unrelated persons living together as a household in a dwelling unit.

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

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

Fence: A structure erected as a barrier to prevent entry or escape, to mark a boundary, or for ornamental or landscaping purposes, and typically constructed of posts and/or other supports in combination with wire, boards or other materials. Shrubbery shall not be considered a fence for the purposes of this Ordinance.

First Flush: That initial period of a storm event where the concentration of pollutants which are carried by the sediments in the stormwater is the highest with said concentrations decreasing as the length of the storm increases. Concentration peaks and pollutant decay will vary from site to site depending on land use, the pollutant of interest and site characteristics.

Flea Market: An occasional or periodic sales activity held within a building, structure, or open area where stalls or sales areas are set aside, and rented or otherwise provided and which are intended for use

by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets shall not include any operation which involves the sale of any obscene or pornographic material or any activity included in the definition of "adult business" contained in this Ordinance.

Forestry Enterprises: Establishments engaged in the operation of timber tracts, tree farms, forest nurseries, and the gathering of forest products, but excluding sawmills and other wood manufacturing businesses.

Funeral Parlor: 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 facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

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

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

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, 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. (See definition of "Recreational Facilities, Private")

Golf Course, Miniature: A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green.

Good Operating and Road-Worthy Condition: A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

Greenhouse, Commercial: A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

Greenhouse, Private: A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for private use.

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

Group Family Household: A group of not more than eight (8) individuals including staff, not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Group Home: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Any facility housing nine (9) or more individuals, including staff, shall be considered a health facility.

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

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; and may include professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses, excluding commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops and other uses not meeting the requirements of Section 401 of this Zoning Ordinance.

Horse: Any of various equine mammals used for riding and for drawing or carrying loads, including donkeys, ponies, or horses and mules.

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. (See also "Health Facility").

Hotel: A facility offering temporary (generally for periods of two (2) weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

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

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

Institutional Use: A publicly operated or sponsored facility used to house and/or rehabilitate individuals detained or sentenced by the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories and similar facilities.

Intensive Livestock Operation: The fattening or raising of beef cattle, hogs, poultry or other animals for the purpose of obtaining meat, eggs, or wool for marketing. Any livestock operation which involves the keeping of more than ten (10) cows or beef cattle, or ten (10) hogs, or ten (10) sheep, or ten (10) goats, or fifty (50) fur-bearing animals or fifty (50) poultry shall be considered intensive. A minimum of five (5) contiguous acres shall be required for intensive use livestock operations.

Junk: Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- B. Used lumber, boxes, crates and pallets;
- C. Used tires;
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and,
- F. Abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection;
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.; and,
- C. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junk yards:

- A. The outside storage or deposit on a lot of one (1) or more abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition; and, Vehicle sales lots managed by licensed vehicle dealers operated

in accord with the Township Zoning Ordinance and storage areas for antique and collector vehicles with adequate screening approved by the Township shall not be considered junk yards.

Kennel: Any establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Kennel, Private: Any building or buildings or land designed or arranged for the care of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.

Land Development: Any of the following activities:

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

This definition shall not include:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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

Livestock: Any animals raised or kept for home consumptive or other use, or profit, including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits and fur bearing animals.

Livestock Operation: An agricultural use involving the fattening or raising of livestock for home use or profit. (See Section 420.)

Living Space: The sum of the areas of the several floors of a dwelling unit used for human occupancy and including finished basements and attics as measured from the interior faces of the walls. It does not

include cellars, crawl spaces, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

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

Lot Area: The total number of square feet in the lot less any area included in any public road, railroad or utility rights-of-way affecting the lot. The area included in any private road rights-of-way need not be deducted when calculating lot area for the re-subdivision or lot improvement of any lots created prior to November 19, 1987, the effective date of this Zoning Ordinance, as amended.

Lot Coverage: That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious surfaces.

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

Lot, Existing of Record: Any lot or parcel of property which was legally in existence and properly on file with the Lackawanna County Recorder of Deeds prior to November 19, 1987, the effective date of this Zoning Ordinance.

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

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

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

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

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

Manufacturing and Industry: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes.

Manufacturing, Light: Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

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

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

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

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

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

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

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

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

Natural Resource Use: The mining, 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.

Natural Resource Use, Major: See Section 416.

Natural Resource Use, Minor: See Section 416.

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

Non-conforming Lot: Any lot which does not conform with the minimum lot size specified for the district where such lot is situated, such lot having been created and recorded in the office of the Lackawanna County Recorder of Deeds prior to November 19, 1987, the effective date of this Ordinance, or any amendments thereto.

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

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

Nursery, Commercial: A commercial operation where trees and shrubs are grown for transplanting, for use as stocks for budding and grafting, or for sale.

Nursing Home: Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care. (See also "Health Facility").

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

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

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

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

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

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

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

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

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

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

Public Buildings and Uses: Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.

Public Notice: Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

Recreational Facilities, Private: Outdoor or indoor areas or structures, operated by private non-profit or 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 Facilities, Public: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

Recreational Vehicle Park: See Campground and RV Parks.

Recyclables: Materials intended for reuse, remanufacture or reconstitution and including for the purposes of this Zoning Ordinance only the following materials: aluminum beverage containers; glass beverage and

food containers; plastic beverage, food and household product containers but not including plastic film or bags; bi-metal food containers; newsprint, magazines, and office paper; and corrugated paper. Recyclables shall not include, except as specifically authorized by the Township in accord with Section 418 of this Ordinance, tires, large appliances such as stoves, refrigerators, washers and dryers, other scrap metal, used motor oil or any other material defined as "junk" or "solid Waste" by this Ordinance.

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

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

Related or Relative: Persons who are related by blood, marriage, or adoption to result in one of the following relationships: parent, grandparent, great-grandparent, child, grandchild, great-grandchild, uncle, aunt, father-in-law, or mother-in-law.

Related or Relative (as used in Section 425 of this Ordinance): Persons who are related by blood, marriage, or adoption to result in one of the following relationships: parent, grandparent, great-

grandparent, uncle, aunt, father-in-law, or mother-in-law.

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

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

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

Sawmill: An establishment for processing logs into finished or semi-finished lumber, but which does not include major wood products industries or lumberyards.

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

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

Senior Day Care Center: Any establishment enrolling five (5) or more adults where fees or other forms of compensation are charged for the care of the adults, such care limited to only a part of each day and the adults do not reside on the premises and no health services are provided.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc., and which is not otherwise listed as a use in the Schedule of Uses.

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

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

Sewage Disposal, On-site: 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.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as

a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

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

1. On-premises sign: Any permitted sign located on the land upon which the concern advertised by such sign is located.
2. Off-premises sign: Any permitted sign not located on the land upon which the concern advertised by such sign is located.
3. Sign surface area: The size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g. raised letters attached to a facade) surface area shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material. If one, two sided sign is proposed, each face shall not exceed the applicable maximum sign surface area. If one-sided signs are proposed, two signs may be erected and the face of each shall not exceed the applicable maximum sign surface area.
4. Non-conforming sign: Any sign legally existing prior to the effective date of this Ordinance.
5. Billboard: A sign advertising a business, product, service, commodity, activity or other concern which is located, produced or offered at a location other than the premises on which the billboard is located; but, not including the off-premises signs permitted by Section 412 of this Ordinance.

Signs, Billboard: An off-premises sign advertising a business, product, service, commodity, activity or other concern which is located, produced or offered at a location other than the premises on which the billboard is located; but, not including the off-premises signs permitted by Section 412.2,D of this Ordinance.

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial and mining operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility or any other material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

Solid Waste Facility, Commercial: Any facility or operation of a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Facility, Public: Any facility or operation of a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

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

Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Stable, Commercial: A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes.

Stable, Private: An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which may include the breeding, raising, keeping, training and boarding of horses excluding the commercial hire of horses to the general public for riding or other purposes and excluding other commercial uses.

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

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

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

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

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

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

Supervisors: The Board of Supervisors of Scott Township, Lackawanna County, Pennsylvania.

Tavern: See "Restaurant."

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

Transient Use: Occupancy of a dwelling by two (2) or more families at separate times over the course of a year; not including two (2) or more unrelated individuals who may, during such period, be temporarily staying at the location as a guests of the principal occupant.

Trip Ends: The total of vehicular trips entering and leaving a specific land use or site over a designated period of time.

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

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

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

Variance: Relief granted pursuant to the provisions of Section 611 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Vehicle: Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

Vehicle or Equipment Repair Operation: An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

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

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

Water Supply, On-site: A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot, and in compliance with the Pennsylvania Department of Environmental Resources if such compliance is required.

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

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels or pens are on the premises.

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

Yard Sale: Any offering for sale to the public of used and accumulated normal household and other personal items conducted on a temporary, intermittent basis (not to exceed five [5] sales per year for not more than three [3] consecutive days each) as an accessory use to a residential dwelling. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Zoning Ordinance.

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

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

ARTICLE III - BASIC ZONING REGULATIONS

301 Official Zoning Map

The Township of Scott is hereby divided into Zoning Districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance, together with all future notations, references and amendments.

302 Classes of Districts

302.1 Basic Districts

- RD - Residential District
- RU - Rural District
- NB - Neighborhood Business District
- DD - Development District
- ID - Industrial District

The intent of each District and the uses permitted in each District are set forth on the District Use Schedules contained in Section 305 of this Ordinance. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in Section 306 of this Ordinance.

302.2 Overlay Districts

A. Floodplain Overlay District

The Floodplain Overlay District is hereby created for the regulation of development in floodplain areas as are identified by the Federal Emergency Management Agency and the USDA Soil Conservation Service on the most current maps published by each agency. See Section 413 of this Ordinance.

303 District Boundaries

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Lackawanna County Recorder of Deed's Office and the Lackawanna County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map. In any case of uncertainty the Scott Township Board of Supervisors shall interpret the intent of the map as to location of District boundaries.

304 District Regulations Generally

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

Township.

305 Use Regulations

305.1 Use Not Specified in the Schedules

Whenever a proposed use is neither specifically permitted nor denied by this ordinance, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall decide whether the use is permitted or denied in the district proposed based upon the intent of the district and upon the similarity of the use to other uses listed in the Schedule of Uses. The Zoning Hearing Board shall, if it determines the use is permitted, classify the proposed use as either a principal permitted, conditional or special exception use and direct the Zoning Officer to proceed accordingly.

305.2 District Use Schedules

Uses in each District shall be permitted only in accord with the following Schedules.

RD - RESIDENTIAL DISTRICT SCHEDULE OF USES

INTENT: The RD - Residential District has been delineated and the Schedule of Uses for the RD District has been designed to recognize the importance of the residential areas in the Township and the need to protect the character of these areas. In addition, only those uses which are compatible with the residential character of the RD Districts are allowed as principal permitted uses. Higher density residential development is permitted as conditional uses and specific performance standards are provided in the Ordinance for garden apartments and townhouses as a means of controlling the effect of higher density development on single-family development. Other unobtrusive uses typically associated with residential development are also allowed as conditional uses or special exceptions.

NOTES: 1. Any expansion of or addition to a use existing prior to the effective date of this Ordinance (November 19, 1987) and which is classified as a conditional use or special exception shall be considered a conditional use or special exception, respectively. 2. Any expansion of or addition to a use approved under this Ordinance as a conditional use or special exception shall be considered a conditional use or special exception, respectively.

Principal Permitted Uses

Crop production
Forestry enterprises
Group homes
Single-family detached dwellings
Two-family dwellings

Accessory Uses

Accessory uses customary to approved uses
Essential services
Farm stands
Parking areas, private and public
Private garages, carports, sheds
Private greenhouses
Private stables
Private swimming pools
Signs accessory to approved uses
TV satellite dishes accessory to approved uses
Yard sales

Conditional Uses

Bed and breakfast establishments on a minimum of 2 acres
Child care centers on a minimum of 2 acres
Cluster development
Country clubs on a minimum of 20 acres
Garden apartments
Golf courses excluding miniature or driving ranges
Home occupations
Livestock operations
Nurseries, commercial
Private schools
Townhouses
Water towers

Special Exceptions

Public recreational facilities
Public schools
Public buildings and uses
Semi-public buildings and uses

RU - RURAL DISTRICT SCHEDULE OF USES

INTENT: Scott Township has historically been associated with agricultural activities; and owing to its lakes and rural character, the tourist-recreation trade. In order to acknowledge and encourage this pattern of development, certain areas of the Township have been included in the RU District. The RU District includes all types of agricultural, animal care and husbandry uses, forestry enterprises, and resource extraction activities. Along with the Principal Permitted Uses of single and two-family dwellings, mobile home parks are allowed as a conditional use to provide for a wide range of housing types in the Township, standards for mobile home park development being included in the Township Subdivision and Land Development Ordinance. In order to allow for the development of commercial uses compatible with the principal permitted uses under certain conditions, tourist-recreation related uses are included in the RU District as conditional uses.

NOTES: 1. Any expansion of or addition to a use existing prior to the effective date of this Ordinance (November 19, 1987) and which is classified as a conditional use or special exception shall be considered a conditional use or special exception, respectively. 2. Any expansion of or addition to a use approved under this Ordinance as a conditional use or special exception shall be considered a conditional use or special exception, respectively.

Principal Permitted Uses

Cemeteries
 Commercial greenhouses
 Commercial nurseries
 Crop production
 Forestry enterprises
 Group homes
 Livestock operations
 Single-family detached dwellings
 Two-family dwellings

Accessory Uses

Accessory uses customary to approved uses
 Essential services
 Farm stands
 Parking areas, private and public
 Private garages, carports, sheds
 Private greenhouses
 Private stables
 Private swimming pools
 Signs accessory to approved uses
 TV satellite dishes accessory to approved uses
 Yard sales

Conditional Uses

Airports
 Bed and breakfast establishments
 Boarding or tourist homes
 Campgrounds

Conditional Uses

Child care centers
 Cluster development
 Commercial stables
 Country clubs
 Flea markets
 Golf courses
 Home occupations
 Housekeeping cottages
 Junkyards
 Kennels
 Mobile home parks
 Natural resource uses, major
 Natural resource uses, minor
 Private clubs/lodges
 Private recreational facilities
 Recreational vehicle parks
 Recycling, small collection facilities
 Tourist recreational and lodging facilities
 Water towers

Special Exceptions

Public recreational facilities
 Public schools
 Public buildings and uses
 Semi-public buildings and uses

NB - NEIGHBORHOOD BUSINESS DISTRICT SCHEDULE OF USES

INTENT: The NB District has been established to recognize the village centers in the Township and the need to provide to Township residents convenient access to shopping for daily needs and for personal services. Given the character of the existing village centers, the standards applied to business development in the NB District are intended to limit the size, scale and impact of such uses on existing, intermingled residential uses and adjoining residential neighborhoods. This is accomplished by establishing maximum lot sizes and building areas and allowing only those types of uses which will not generate excessive volumes of traffic, noise, odors, and other such nuisances.

NOTES: 1. Any expansion of or addition to a use existing prior to the effective date of this Ordinance (November 19, 1987) and which is classified as a conditional use or special exception shall be considered a conditional use or special exception, respectively. 2. Any expansion of or addition to a use approved under this Ordinance as a conditional use or special exception shall be considered a conditional use or special exception, respectively.

Principal Permitted Uses

Crop production
Forestry enterprises
Group homes
Single-family detached dwellings
Two-family dwellings

Accessory Uses

Accessory uses customary to approved uses
Essential services
Farm stands
Parking areas, private and public
Private garages, carports, sheds
Private greenhouses
Private stables
Private swimming pools
Signs accessory to approved uses
TV satellite dishes accessory to approved uses
Yard sales

Conditional Uses

Amusement arcades
Apartment buildings
Banks
Bed and breakfast establishments
Boarding and lodging houses
~~Car washes~~ Deleted per ORD 94-10-13
Child care centers
Club/lodge, private
Commercial greenhouses
Commercial nurseries
Flea markets Deleted
~~Funeral parlors~~ Deleted per ORD 94-10-13
Garden apartments
Garden centers

Conditional Uses (cont.)

~~Gasoline service stations~~ Deleted per ORD 94-10-13
Home occupations
Medical clinics
Multiple occupant commercial uses with uses otherwise permitted in NB District
Office buildings
Professional offices
~~Recycling facilities, small collection~~ Deleted per ORD 94-10-13
Residence attached to a commercial use
Restaurants
Retail and service establishments
Senior day care centers
Taverns
Townhouses
Veterinary clinics
Water towers

Special Exceptions

Public recreational facilities
Public schools
Public buildings and uses
Semi-public buildings and uses

STANDARDS APPLICABLE TO ALL BUSINESS USES IN THE NB DISTRICT

-No outdoor storage of goods, materials, supplies or products unless screened in accord with Section 408.1
-No process which results in any air emissions, liquid waste other than human sewage waste, or other waste by-product regulated by PA DEP or US EPA.

DD - DEVELOPMENT DISTRICT SCHEDULE OF USES

INTENT: One of the key factors affecting development in Scott Township is the location of Interstate 81 which runs north and south along the Township's western edge. Three I-81 interchanges lie within the Township boundary and provide potential sites for business and commercial development, including businesses which rely on the passing travelers on I-81 and businesses which meet the retail and service needs of local and regional residents. At the same time, designated as DD Districts these interchange areas, the gateways to the interior of the Township, provide the opportunity for the development of unobtrusive commercial uses such as research and development facilities, office buildings, distribution centers and light manufacturing. Directing commercial and light manufacturing types of uses to these areas with ease of access to I-81 also provides adequate and necessary separation from Residential Districts, with the Rural District serving as a buffer and transition area. In order to recognize the importance to the Scott Township tax base and the need for continued development, the DD District also encompasses the Heart Lake crossroads area, the Biofor and Pharmacon facilities; and the Scott Technology Park, which in addition to the standards in this Zoning Ordinance, is governed by Park restrictions to appropriate, non-industrial, commercial uses.

NOTES: 1. Any expansion of or addition to a use existing prior to the effective date of this Ordinance (November 19, 1987) and which is classified as a conditional use or special exception shall be considered a conditional use or special exception, respectively. 2. Any expansion of or addition to a use approved under this Ordinance as a conditional use or special exception shall be considered a conditional use or special exception, respectively.

Principal Permitted Uses

Agricultural service establishments
 Amusement arcades
 Amusement parks
 Apartment buildings
 Banks
 Bed and breakfast establishments
 Boarding and lodging houses
 Cemeteries
 Child care centers
 Club/lodge, private
 Commercial nurseries
 Commercial greenhouses
 Country clubs
 Crop production
 Forestry enterprises
 Garden apartments
 Garden centers
 Group homes
 Health facilities
 Hotels & motels, density <10 units/acre
 Livestock operations
 Multiple occupant commercial uses with uses otherwise permitted in DD District
 Office buildings
 Private recreation facilities
 Private schools

Principal Permitted Uses (cont.)

Professional offices and office buildings
 Residence attached to a commercial use
 Restaurants
 Retail and service establishments
 Senior day care centers
 Single-family detached dwellings
 Taverns
 Theaters
 Townhouses
 Two-family dwellings
 Vehicle and equipment sales operations
 Veterinary clinics
 Wholesale businesses

Accessory Uses

Accessory uses customary to approved uses
 Essential services
 Farm stands
 Parking areas, private and public
 Private garages, carports, sheds
 Private greenhouses
 Private stables
 Private swimming pools
 Signs accessory to approved uses
 TV satellite dishes accessory to approved uses
 Yard sales

ID - INDUSTRIAL DISTRICT SCHEDULE OF USES

INTENT: Located in the northern area of the Township is the ID District which allows all types of industrial and commercial uses in addition to the uses permitted in the DD District. The District is situated in an area away from any extensive existing commercial or residential development, yet is close to I-81 which provides the easy transportation access so important to industrial uses. In addition, long-term Township sewage facilities planning indicates the potential for the development of a sewage treatment plant near the Exit 61, I-81 interchange. The plant would serve the Township's increasing commercial development and growing population and could be available to industrial users.

NOTES: 1. Any expansion of or addition to a use existing prior to the effective date of this Ordinance (November 19, 1987) and which is classified as a conditional use or special exception shall be considered a conditional use or special exception, respectively. 2. Any expansion of or addition to a use approved under this Ordinance as a conditional use or special exception shall be considered a conditional use or special exception, respectively.

Principal Permitted Uses

All principal permitted uses in the
DD District
Truck terminals

Accessory Uses

Accessory uses customary to approved uses
Essential services
Parking areas, private and public
Private garages, carports, sheds
Private greenhouses
Private stables
Private swimming pools
Signs accessory to approved uses
TV satellite dishes accessory to approved uses
Yard sales

Conditional Uses

All conditional uses in the DD District
Adult businesses
Agricultural products processing
Industrial parks
Light manufacturing
Manufacturing and industry
Natural resources processing
Natural resource uses, major
Natural resource uses, minor
Recyclable processing facilities
Solid waste facilities and staging areas
Water towers

Special Exceptions

Public recreational facilities
Public schools
Public buildings and uses
Semi-public buildings and uses

DD - Development District Schedule of Uses (cont.)

Conditional Uses

Animal hospitals
Bus terminals
Car washes
Cell sites
Cluster development
Commercial antenna sites
Contractors yards
Flea markets
Golf courses
Funeral parlors
Gasoline service stations
Home occupations
Hotels & motels, density >10 units/acre
Housekeeping cottages
Institutional uses
Kennels
Light manufacturing
Natural resource uses, major
Natural resource uses, minor
Private clubs and lodges
Private recreation facilities
Recycling facilities, small and large collection
Recyclable processing facilities
Research and development facilities
Saw mills
Self-storage facilities
Shopping centers and malls
Truck stops
Truck washes
Vehicle and equipment repair operations
Warehouses
Water towers

Special Exceptions

Public recreational facilities
Public schools
Public buildings and uses
Semi-public buildings and uses

STANDARDS APPLICABLE TO ALL
MANUFACTURING, RESEARCH AND
DEVELOPMENT USES IN THE DD DISTRICT

No outdoor storage of goods, materials, supplies or products unless screened in accord with Section 408.1

306 Development Standards

The Development Standards which apply to each District include minimum lot sizes, minimum average widths, minimum lot depth, yard requirements, maximum lot coverage for buildings, and maximum height. These standards vary among Districts and are so depicted in the Schedule of District Regulations which follows. Supplementary regulations (Article IV) may establish additional or differing standards as they apply to specific uses.

SCHEDULE OF DEVELOPMENT STANDARDS

ZONING DISTRICT	RU	RD	DD	NB	ID
MINIMUM LOT AREA (ACRES)	1	1	1	1	1
MINIMUM AVG LOT WIDTH (FT)	150	150	150	150	150
MINIMUM AVG LOT DEPTH (FT)	150	150	150	150	150
MINIMUM FRONT YARD (FT)	35	35	50	35	50
MINIMUM SIDE YARD (FT)	20	20	25	25	25
MINIMUM REAR YARD (FT)	20	20	25	25	25
MAXIMUM BUILDING HEIGHT (FT)	35	35	35	35	35
MAXIMUM LOT COVERAGE (%)	25	25	50	25	50

NOTES:

- A. In the RD District, if central water supply and central sewage disposal facilities are provided, the minimum lot size may be reduced to 30,000 square feet and the minimum average width and minimum depth both may be reduced to 100 feet.
- B. Central water and central sewage facilities are required for any recreational vehicle park, campground, mobile home park, cluster development, or multi-family housing development.
- C. Standards for recreational vehicle parks, campgrounds, and mobile home parks shall conform to the Scott Township Subdivision and Land Development Ordinance and the supplemental standards contained in Section 403 of this Ordinance.
- D. The standards contained on this Schedule are modified in certain instances by standards applying to specific uses (i.e., multi-family housing developments). See Supplementary Regulations.
- E. The average lot depth of a lot shall not exceed a ratio of 4 to 1 to average lot width unless no more than 3 such lots are to be created.
- F. Maximum lot coverage in the DD District may be increased to a maximum of 75 percent as a conditional use and provided on-site retention of stormwater meeting the requirements set forth in Section 308 of the Scott Township Subdivision and Land Development Ordinance is provided.

G. Lot coverage for non-conforming lots in the NB District shall be as follows:

1. 50% for lots 0.5 acre or less.
2. 35% for lots more than 0.5 acre and less than 1.0 acre.

H. Height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, masts and aerials, television antennae, public utility structures that are not buildings, silos and other agricultural structures, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the limiting height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any such structure (excluding agricultural structures) proposed to be a height in excess of sixty (60) feet shall be treated as a conditional use. Antennae shall be governed by Section 422.

I. The minimum road frontage for all newly created lots shall not be less than seventy-five (75) feet.

ARTICLE IV - SUPPLEMENTARY REGULATIONS

401 Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation except for a permitted sign and required parking. Any home occupation or expansion of a home occupation shall be a conditional use, and in addition to the criteria in Section 608 and all other applicable standards of this Ordinance, the following standards shall apply:

- A. The home occupation(s) shall be clearly incidental and secondary to the use of the dwelling as a residence and not change the character of or have an exterior effect on the dwelling..
- B. The total area used by all home occupations on the premises shall not exceed twenty-five (25) percent of the floor area of the dwelling unit, including basement, and accessory buildings as existed at the effective date of this Ordinance.
- C. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
- D. There shall be no visible evidence that the residence is being operated as a home occupation except for the permitted sign and required parking area.
- F. The home occupation(s) shall be conducted only by a member of the family residing in the dwelling and not more than two (2) person other than immediate family members shall be employed on the premises at any one time.
- G. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private right-of-way.
- H. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference beyond the property lines or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- I. No goods or items for retail or wholesale sale shall be permitted except for items incidental to the operation of another approved home occupation. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises shall be permitted.
- J. The professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and veterinarians, and similar types of professional practice uses shall be limited to practitioners who reside on the premises.
- K. Section 408, Performance Standards, shall also apply to home occupations.
- L. The Township may require documentation that adequate sewage disposal will be provided for the

proposed home occupation.

- M. The Board of Supervisors shall attach any and all necessary conditions to assure compliance with this Section 401, and such conditions may include hours of operation, water use restrictions, sewage disposal requirements, parking and road access, screening and other conditions deemed necessary.

402 Accessory Uses or Structures

402.1 Setbacks

Accessory structures attached to a principal structure, and detached accessory structures greater than six hundred (600) square feet in floor area, shall meet the setbacks for principal structures. Detached accessory buildings or structures six hundred (600) square feet or less in floor area shall meet the required front yard setback and shall maintain side and rear yard setbacks of not less than five (5) feet. See Section 412.7 for signs.

402.2 Below Ground Swimming Pools

Below ground swimming pools shall, in addition to meeting the above requirements, also, be entirely enclosed with a permanent fence not less than five (5) feet in height; and, such fence shall be of a design adequate to restrict entry to the pool (e.g., chain link, wire mesh, solid picket, etc.) The entrance gate shall be closed and locked when the pool is not in use. The required fence around a below-ground pool shall be erected within thirty (30) days following the installation of the pool.

402.3 Fences

The installation of all fences shall require a permit, except fences used for agricultural purposes. Fences may be located as close as six (6) inches to a property line or public road right-of-way. No fences shall be in excess of eight (8) feet in height. All fences, including agricultural fences, shall comply with the clear sight triangle requirements contained in Section 407.3 of this Ordinance.

403 Mobile Home and RV Parks

403.1 Mobile Home Parks

Mobile home parks shall comply fully with the applicable requirements of the Scott Township Subdivision and Land Development Ordinance prior to the issuance of any building or zoning permits relating to the same.

403.2 Recreational Vehicle Parks & Campgrounds

Recreational Vehicle Parks and Campgrounds shall be considered recreational land developments and shall comply fully with the applicable requirements of the "Scott Township Subdivision and Land Development Ordinance" prior to issuance of any building or zoning permits relating to the same.

404 Cluster Development

Cluster development for single family residential dwellings is permitted in certain districts as a conditional use subject to Section 312 of the "Scott Township Subdivision and Land Development Ordinance." In addition to all other applicable regulations, the following standards shall apply:

404.1 Parcel Size

A minimum parcel of ten (10) acres shall be required.

404.2 Density and Development Standards

Density of residential units shall be calculated in accord with Section 312 of the Township Subdivision and Land Development Ordinance. Lot size may be reduced in accord with the said Section 312, but overall density for the District shall be maintained. Applicable district lot coverage requirements shall be maintained except as otherwise established by the aforesaid Section 312. Front, side and rear setbacks may be reduced in proportion to the individual lot size reduction, but in no case shall rear and side yards be reduced to less than ten (10) feet and front yards to less than twenty (20) feet.

404.3 Water and Sewer

All cluster developments shall be provided with a central water supply and a central sewage disposal system.

404.4 Application

All information normally required for a conditional use application as well as data required for a preliminary plan submission under the Scott Township Subdivision and Land Development Ordinance shall be provided by the applicant.

405 Junk Yards

Junk yards shall be considered conditional uses in the RU District only subject to all applicable standards of this Ordinance, and the Junk Regulation Ordinance of Scott Township, as amended, the provisions of which are incorporated herein by reference.

406 Solid Waste

Public and commercial solid waste facilities, including transfer stations, herein referred to as facilities, shall be considered conditional uses in the ID District only, and shall, in addition to the other applicable standards in this Ordinance, be subject to the standards in this Section 406.

406.1 Public and Commercial Solid Waste Facilities

A. Traffic Study - The applicant shall submit to the Township for approval a traffic study and plan

subject to the requirements of Section 408 of this Ordinance and which shall comply with the following additional requirements :

1. The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any hospital, residence, commercial or retail establishment, public school or religious institution.
 2. The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.
- B. Setbacks - No facility created after the effective date of this Ordinance shall be located closer than seven hundred and fifty (750) feet to an existing public right-of-way or property line; residential structure; public, semi-public or institutional use; or commercial or recreational facility.
- C. Fencing - All solid waste disposal facilities shall be completely enclosed by a chainlink fence not less than six (6) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing solid waste disposal facilities and within six (6) months after the issuance of a license for a new solid waste disposal facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.
- Such fence and any structures associated with the solid waste disposal facilities shall not be located closer than two hundred (200) feet to any property line or seven hundred and fifty (750) feet from any public right-of-way or within seven hundred and fifty (750) feet from principal residential structures existing at the time of adoption of this Ordinance.
- D. Environmental Impact Statement - All existing and proposed solid waste facilities shall prepare and submit to the Township an Environmental Impact Statement pursuant to this Ordinance, and shall fully comply with the regulations of the Pennsylvania Department of Environmental Protection.
- E. Buffer - In cases where natural vegetation is not adequate to screen the facility from view from adjoining properties or roads, a dense evergreen planting to effect such screening shall be provided and maintained by the applicant in accord with a planting plan submitted by the applicant and approved by the Township.

406.2 Staging Areas

- A. Parcel Size - The minimum parcel size shall be three (3) acres.
- B. Loading and Storage - Any operation which involves the loading of solid waste from one vehicle to another vehicle prior to transport to a DEP approved disposal facility shall be conducted only within a completely enclosed building. Storage of solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted unless the

aforesaid motor vehicles, truck trailers or other containers shall be stored within a completely enclosed building. No such storage shall be permitted for periods in excess of twenty-four (24) hours.

- C. Vehicles, Truck Trailers and Other Containers - The parking and storage of empty vehicles, truck trailers or other containers used for the collection and transport of solid waste shall be permitted only in a completely enclosed building. This shall not apply to containers at a generation site.
- D. Setbacks - No building or structure used as part of the staging area shall be located less than one-hundred and fifty (150) feet from any property line or public road right-of-way. Additional setbacks or buffers may be required by the Township in accord with Section 408.1 of this Ordinance.

407 Special Lot Provisions

407.1 Corner Lots

All yards abutting a street line on corner lots shall meet the district requirements for front yards. In the case of a single-family or two-family dwelling on a nonconforming lot, or a single-family or two-family dwelling constructed prior to the effective date of this Ordinance (November 19, 1987), the required front setback shall be maintained on one (1) road frontage and the required side yard setback shall be maintained on all other road frontages.

407.2 Unimproved Lots

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 be less than 50% of the yard normally required.

407.3 Clear Sight Triangle

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

407.4 Two or More Uses on a Lot

- A. Development Standards - Two or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to, setback, parking, lot coverage, and sewage disposal requirements.
- B. Residential Density - For the purposes of density of residential units, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one (1) parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3). See Section 410 for multi-family

dwellings and Section 423 for two-family dwellings.

- C. Non-Residential Uses - In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied, including, but not limited to, special parcel size requirements for specific uses. (e.g., Section 414.2 requires a minimum of five [5] acres for a commercial stable.)
- D. Residential and Non-Residential on the Same Lot
1. RD Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a non-residential use provided for in the District by the Schedule of Uses if the lot is sufficient in size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
 2. RU, NB, DD and ID Districts - If the uses are provided for in the Schedule of Uses for the District, one residential dwelling unit per property shall be permitted in association with a non-residential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of a principal non-residential structure. The residential unit shall be occupied only by the owner or manager of the non-residential use. Any additional residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a non-residential use only if the lot is sufficient in size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
- E. Structure Separation - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than twenty (20) feet. (See Section 402 for accessory structures.)

408 Performance Standards Applicable to All Uses in All Districts

The following performance standards shall apply to all non-residential uses in all Districts. (Note - This section shall not apply to agricultural uses):

408.1 Yards and Buffers.

Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any RD or RU District the minimum size of the abutting yard of the commercial or manufacturing use shall be increased to fifty (50) feet. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard. Additional setbacks, 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. Buffer - 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. Width - The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.
- C. Ground Cover - A mix of ground cover and shrubby 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. Building Design - 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. Existing Residential Uses - 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 shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Buffer Design - Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

408.2 Operations and Storage

All facilities and operations of any 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. Trailers may be used as accessory structures provided all wheels and axles are removed, the trailers are erected and maintained as structure, and are screened from view from adjoining properties in accord with Section 408.1 of this Ordinance. Trailers, maintained in good condition, shall be permitted for storage for a temporary period on the site of an on-going construction project. The placement of said trailers shall be for a specified time as stated in the required permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

408.3 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 fire-fighting 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). 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.

408.4 Radioactivity or Electric Disturbance

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

408.5 Noise

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

408.6 Vibration

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

408.7 Lighting and Glare

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

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such

as combustion or welding or otherwise, shall be permitted so as to be visible at the property line. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.

408.8 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.

408.9 Odors

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

408.10 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

408.11 Surface and Ground Water Protection

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

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

In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within 1,000 feet of any portion of the property where the proposed use will be located.

408.12 Landscaping

Any part or portion of a site where existing vegetation has been disturbed and which is not used for building, other structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped in accord with an overall landscape plan including the botanical and common names of the plants to

be used (which shall be appropriate for the local climate), the sizes to be planted, and the quantity and spacing of each. Additional landscaping, screening and/or buffers may be required by the Township where buffers are determined by the Township as necessary to protect adjoining uses. Said landscaping plan may be required for review and approval by the Township as part of the Zoning approval process.

408.13 Stormwater Management and Soil Erosion Control

A stormwater management plan and soil erosion control plan may be required by the Township for review and approval. Said plan shall be prepared and implemented pursuant to the applicable standards contained in the Township Subdivision Ordinance; and the County Conservation District standards. For proposals located in the Lackawanna River Watershed, the stormwater plan shall comply with the Township Stormwater Control Ordinance adopted to implement the Lackawanna River Watershed Storm Water Management Plan adopted by the County on July 14, 1992, as amended.

The protection of the quality of ground water 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.

408.14 Waste Materials

No liquid, solid, toxic, radioactive 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 the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, stormwater disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

408.15 Sewage Disposal

Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Protection. Discharge to such system shall be limited to normal, domestic and human bodily wastes unless the treatment system has been specifically designed to handle other wastes or the wastes are pre-treated in accord with Pennsylvania Department of Environmental Protection or local sewer authority requirements. No discharge of wastes, by-products or materials in any way associated with a production process, health care or veterinary

facility medical wastes, funeral home wastes, or other commercial wastes shall be permitted to any subsurface, land application or other soil based sewage disposal system.

408.16 Other Regulations

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

409 Major Impact Developments

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

Major impact developments shall be determined from their estimated trip generation rates and are hereby defined to include any use or any addition to a use established after November 19, 1987 which will generate more than two hundred and fifty (250) trip ends per day.

Any proposed use or expansion of an existing use which will generate more than twenty-five (25) trip ends per day of trucks of a commercial or heavier class shall also be considered a major impact development in all cases.

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

All manufacturing uses shall be considered major traffic impact developments if such uses result in more than two (2) acres of earth disturbance.

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:

<u>Use</u>	<u>Trip Ends Per Day</u>
Resort/recreation housing with transient occupancy	11.8 per dwelling unit
Single-family residential units, or subdivisions	10.1 per dwelling unit
Two family and Multi-family residential unit	10.1 per dwelling unit

Mobile home parks and other residential uses	7.6 per dwelling unit
RV parks and campgrounds	10.4 per campsite
Hotel, motel, or other lodging houses	13.4 per sleeping unit
Commercial recreation	5.4 per vehicle parking space
Boat Liveries	10 per boat berth
Office buildings	28.8 per 1000 GSFBA*
Multiple occupant commercial & shopping centers	50.9 per 1000 GSFLA**
Medical office buildings	99.0 per 1000 GSFBA*
Restaurants	139.3 per 1000 GSFBA*
Fast food drive-through restaurants	828 per 1000 GSFBA*
Car sales facilities	79 per 1000 GSFBA*
Convenience store	351.7 per 1000 GSFBA*

* GSFBA = gross square feet of building area: 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 head room (6 feet, 6 inches) regardless of their use. Where a ground 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 individual use.

All major impact development shall be considered a conditional use and shall be permitted only in those Districts where so provided by the Schedule of Uses. A major impact development shall meet all other supplementary regulations applicable to the use and be processed like any other conditional use and the following additional standards (superseding to the extent they are more strict, any other requirements contained within this or other Township Ordinances) shall apply.

409.1 Transportation Impact Study

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

The transportation impact report shall include the following:

- A. Highway Network - A detailed description of the highway network within one (1) mile of the site including all intersections, and railroad grade crossings, proposed ingress and egress locations, existing roadway widths and right-of-ways and existing traffic control devices. In cases where the development has direct access to a road other than an arterial or collector, the detailed description shall be made to include one (1) mile beyond the intersection with the next collector or arterial.
- B. Traffic Conditions - 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 shall also be conducted 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. Average Daily Traffic - 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. Capacities - Highway and intersection capacities (maximum safe traffic volumes) shall be determined for each of the roads with direct access to the proposed development. This portion of the report shall be prepared in consultation with the Township Engineer, who shall, in turn, consult with the Pennsylvania Department of Transportation regarding roads under Commonwealth jurisdiction. Critical elements to be considered in these calculations are: lane widths, restricted clearances, passing distances, percentages of trucks or buses, grades, average speeds and restrictions, numbers and characters of driveways and private accesses, percentages

of right-hand and left-hand turns, alignment, roadway surfacing and the general condition of the highway.

- E. Projected Traffic - 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. Truck Use - For proposed uses that involve the use of heavy trucks as an integral 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.

409.2 Buffer Requirements

Special setback (yard) requirements to deal with the impacts detailed above and provide a buffer for adjoining landowners may be required by the Township for major impact developments in accord with Section 408.1 of this Ordinance, but in no case, shall be less than one-hundred (100) feet.

409.3 Ancillary Activities

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

409.4 Road Standards

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

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

410 Multi-family Dwellings

410.1 Procedure

Multi-family dwelling projects shall be conditional uses subject to the provisions of this Ordinance and shall also be considered major subdivisions and land developments subject to the jurisdiction of the Scott Township Subdivision Regulation. The "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to Scott Township in the manner provided under Article II of the Subdivision and Land Development Ordinance. The developer shall also submit all information required by Article IV of said Ordinance plus the following additional information:

- A. Application - An application for multi-family dwelling conditional use approval on a form to be supplied by the Township or, in the absence of such form, by a letter or brief from the developer or the developer's representative indicating how the development will specifically comply with or meet the conditional use criteria contained in Section 608 of this Ordinance.
- B. Plan - A proposed lot plan showing the approximate (generally within five feet) location of all buildings and improvements including parking areas, planting strips (if any), signs, storm drainage facilities, water supply and distribution system, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Scott Township. Setbacks from property lines, improvements and other buildings shall also be indicated.
- C. Open Space Dedication - A schedule or plan, and proposed agreement(s) either with the

Township or a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the recreation area and 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 with requirements for review and approval of other Preliminary Plans under the Subdivisions and Land Development Ordinance including providing the Lackawanna County Planning Commission with a forty-five (45) day opportunity to review copies of the entire package. The Township Planning Agency, before recommending action to the Board of Supervisors, may also hold a public hearing pursuant to the Pennsylvania Municipalities Planning Code. The Agency shall then report its findings together with a recommendation indicating whether the conditional use criteria contained in Section 608 will be met.

The Board of Supervisors shall act on the Preliminary Plan, conditional use, and "Planning Module for Land Development" concurrently, making the Preliminary Plan approval, if one shall be given, subject to approval by the Pennsylvania Department of Environmental Protection (DEP). No building permit shall be issued to the applicant, however, 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 approval. This requirement notwithstanding, the conditional use building permit application shall be made with the Preliminary Plan and shall, if granted, be valid for a period equal to that for 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 required or proposed improvements including, but not limited to, streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall similarly 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 in accordance with the procedures and informational requirements of the Subdivision and Land Development Ordinance, and (2) buildings have been completed and inspected by the Zoning Officer.

Complete final building plans shall also be submitted as part of the Final Plan application.

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

410.2 Location

Multi-family dwellings, within those districts where they are permitted, shall be subject to compliance

with the following requirements related to location:

- A. Setbacks - No multi-family development shall be permitted within one-hundred (100) feet of any RD District, RU District or existing residential structure (150' if not wooded) unless there shall be a one-hundred (100) foot (150' if not wooded) setback of all buildings and improvements from the property lines of any adjacent parcels and 75 feet from any public right-of-way.
- B. Trip Ends - Vehicle trip generation for the development shall be estimated at 9.2 trip ends per unit per day for multi-family dwellings intended for use by a single family and 11.8 trip ends per unit per day for units occupied on a transient basis. (Adapted from "Trip Generation Institute of Traffic Engineers".) Developments generating a total of 250 or more trip ends per day or additions to developments which are approved after the effective date of these amendments which would increase the total of 250 trip ends per day shall only be permitted with direct access to the roads set forth in Section 409.1. This shall not be construed as requiring additions to developments existing prior to the effective date of this Ordinance to meet the criteria unless such additions themselves involve a cumulative total of 250 or more trip ends per day. (Also see Section 409.1)

410.3 Density

Multi-family dwelling projects shall be granted a 100% density bonus above the number of dwelling units per acre which would be permitted within the district if the parcel on which the units are to be constructed were to be developed for single-family residential use. A minimum of 10 acres shall be required for multi-family projects in the RD District. Density shall be calculated by taking the total acreage of the development, deducting the following acreage;

- A. Land contained within public rights-of-way
- B. Land contained within the rights-of-way of existing or proposed private streets (Where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide); and
- C. Land contained with the boundaries of easements previously granted to public utility corporations providing electrical or telephone service; and dividing by the number of proposed units.

410.4 Open Space

All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space or be dedicated to recreation area to be used for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous and shall be subject to the following regulations:

- A. Recreation Areas - Recreation areas shall be immediately adjacent to the proposed units and freely and safely accessible to all residents of the development and shall not be used to fulfill open space requirements or provide recreational areas for residents of other units, excepting those provided for in Sub-Section (B) below. No less than 50% of the open space to be

provided shall be dedicated to recreational area for the sole benefit and enjoyment of the residents of the particular units proposed.

- B. Open Space - Land designated simply as open space shall be maintained as open space and may not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed excepting that a holding zone may be reserved for future development pursuant to density and other zoning requirements as they presently exist, provided such lands are specifically defined and indicated as "reserved for future development" on all plats. Such lands shall not be included in calculating permitted density for the proposed development. These provisions, however shall not be construed as granting or reserving to the developer any rights or privileges to develop on the basis of a "pre-approved plan" if density or other zoning requirements shall have been modified to preclude such development.
- C. Maintenance - Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Such areas may be owned, 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 dwelling units to use and enjoy, in perpetuity, such portion of the open space as shall have been dedicated to recreation area for the project. This is intended to allow the owner/developer to retain ownership and use of a portion of the property (for hunting, fishing, etc.) provided the permanence of the open space is guaranteed.

Whichever mechanism(s) may be used, the developer shall provide, to the satisfaction of the Township and prior to the granting of any Final Plan approval, for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.

- D. Active Recreation Areas - At least fifty (50) percent of the designated recreation area shall be usable for active recreational activities and shall not include swamps, quarries, slopes over 24% in grade, or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas are considered improvements.
- E. Parks and Playgrounds - Developments of 50 units or more shall also provide one-half acre of parks and playgrounds per 50 units.

410.5 Design Criteria

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

- A. Dwelling Units - There shall be no more than ten (10) dwellings in each multi-family building.

- B. Road Setbacks - No structure shall be constructed within fifty (50) feet of the edge of any access road to or through the development or within ten (10) feet of the edge of any parking area.
- C. Street Requirements - Access roads through the development shall comply with minor street requirements as specified in the Subdivision and Land Development Ordinance and no parking space shall be designed such that a vehicle would be backing or driving out onto a through road. Instead, there shall be a defined entrance and exit to and from each parking area.
- D. Access - No multi-family development shall be served by more than one access to any public highway, unless topography or other physical circumstances would preclude the use of a single entrance in a safe manner.
- E. Parking Spaces - Parking shall comply with the parking provisions of this Ordinance excepting that, in addition to the 2.0 spaces per unit there shall be specifically 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.
- F. Parking Lots - No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct light away from residences.
- G. Structure Separation - No structure shall be erected within a distance equal to its own height of any other structure.
- H. Exterior Lot Line Setbacks - All multi-family structures shall be a minimum of 100 feet from any of the exterior property or boundary lines of the particular project involved and 75 feet from any public right-of-way.
- I. Buffers - 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. A landscaping plan shall be prepared by the developer and approved by the Township.
- J. Stormwater Control - Multi-family developments shall be subject to the stormwater management requirements of the Subdivision and Land Development Ordinance and facilities shall be designed to accommodate storms of a 10 year frequency unless a more stringent standard shall be recommended by the Township Engineer. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons the Township Engineer may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow which can be achieved under the circumstances.

410.6 Water and Sewage

All multi-family developments shall be served with off-site sewage facilities and water supplies (as

defined in the Township Subdivision Ordinance). Developers proposing the use of either community sub-surface sewage disposal or treatment involving a stream discharge shall have first investigated and determined that land application of effluent is not feasible. Effluent disposal areas shall be subject to the setback requirements applicable to other multi-family buildings and structures.

410.7 Non-Residential Use

Non-residential uses shall not be permitted in a multi-family development unless planned as part of a Planned Residential Development. This, however, shall not preclude such ancillary facilities as laundry areas, service buildings, recreational facilities and the like. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregate.

410.8 Conversions of Existing Structures

Conversions of motels, hotels or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be considered subdivisions and, moreover, be subject to the provisions of this Section 409. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

411 Off-Street Parking, Loading and Unloading Requirements

- A. Requirement - 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.
- B. Parking Spaces - 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.
- C. Off-Site Parking - Parking spaces may be located on a lot other than that containing the principal use with the approval of the Planning Agency provided a written agreement, approved by the Board of Supervisors, shall be filed with the application for a zoning certificate.
- D. 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-ways.
- E. Public Rights-of-Way - Parking shall not be permitted on public right-of-ways.

F. Number of Spaces - 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.

Required Off-Street Parking For Various Uses:

USE	PARKING SPACES REQUIRED
Bowling alley	5 vehicle spaces for each alley
Churches, theaters, stadiums and other places of assembly	1 per every 3 seats
Drive-in eating facilities	3 per employee plus 1 per 50 sq. ft. of floor area for public use
Food markets and grocery stores	1 per 100 sq. ft. of floor area for public use
Funeral homes	1 per 100 sq. ft. of public floor area
Golf courses and other commercial outdoor recreation enterprises	1 per every 2 persons for whom playing area is provided
Home occupations	1 per additional employee other than occupant
Hospitals	1 per bed plus 1 per employee on largest shift
Industrial establishments	1 per employee on largest shift
Motels, hotels, boarding houses	1 per guest room unit
Office building	1.5 per employee
Personal services	4 parking spaces each patron capacity
Recreational buildings	1 per 200 sq. ft. of floor area
Residential	2 per dwelling unit
Restaurants and taverns	1 per 50 sq. ft. of floor area for public use
Retail business	1 per 200 sq. ft. of floor area for public use
Schools	1 per every 15 classroom seats
Service stations & garages	1 per 100 sq. ft. of floor area
Swimming pool	1 per 10 sq. ft. of water surface
Wholesale & trucking establishments	1 per employee on largest shift

G. Loading and Unloading Space - 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. The minimum size loading space 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.

- H. Access - 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:
- (1) Access drives shall not open upon any public right-of-way within (80) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either direction would be less than three-hundred (300) feet.
 - (2) 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 entrance and exits. In no case shall one entrance and exit be located within 80 feet of any other on the same property or adjoining property along the same public right-of-way. Non-conforming lots, however, shall be exempt from this requirement.
 - (3) Any subdivision of property within a DD 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 movement of traffic to the public right-of-way unless the Township Engineer shall recommend an additional access.
- I. Setbacks - All non-residential parking and loading 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.
- J. NB District - No parking shall be permitted anywhere between the public road right-of-way and the principal structure in the NB District for any new commercial uses. This requirement shall not apply to additions or expansions of existing businesses or the conversion of one business use to another business use.

412 Sign Regulations

412.1 Definitions

See Article II of this Zoning Ordinance

412.2 Business and Advertising Signs

- A. Number and Size - The owner, lessee or occupant of land in Scott Township, may erect and maintain on such land not more than two (2) signs advertising the business or profession of such owner, lessee or occupant of the property, if only one side of such sign is used for advertising. If both sides of one sign are used for advertising, then only one sign may be erected to advertise the business or profession of the owner, lessee or occupant of such property. Each sign shall not exceed forty (40) square feet in surface area.
- B. Location - Such signs may only be placed on and maintained by the owner, lessee or occupant of land upon which is located the main office or principal place of business or where a branch

office, store or warehouse is maintained by the said owner, lessee or occupant of such land. In such event, the number of signs shall be limited as herein set forth.

- C. In addition to the sign(s) permitted by Subsection A of this Section 412.2, business and advertising signs attached to the principal structure shall be permitted. Said signs shall only be attached to the facade of the building which faces a public road right-of-way, shall be attached directly to and in the same plane of the facade and shall not project more than one (1) foot from the facade. The total area of the sign(s) shall not exceed ten (10) percent of the area of the facade to which the sign(s) is attached or one hundred (100) square feet, whichever is less.
- D. Nothing herein contained shall prevent:
1. The owner, occupant or lessee of a business or profession located in Scott Township without direct access to Routes 107, 247, 347, 438, 524, 632 or I-81 from erecting two (2) signs in the Township directing the public to such business or profession. One (1) sign shall not have a surface area of more than ten (10) square feet, and the second sign shall not have a surface area of more than four (4) square feet. Such signs shall be permitted only in NB and DD Districts and shall include only the name of the business or profession and directions thereto. This Section shall not apply to home occupations which shall be limited to the sign permitted in Section 412.3. (See also Section 412.9,J.)
 2. In any NB or DD District, the installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two (2) or more roads advertising one (1) or more businesses and directional arrows thereto. An individual sign on this board advertising a single business shall not exceed a surface area of ten (10) square feet and shall be uniform with other signs on the sign board. Evidence of the ownership and proposed maintenance of such directory shall be submitted with permit application.
 3. Signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.
 4. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, provided:
 - a. The size of such sign is not in excess of twelve (12) square feet;
 - b. Not more than two (2) signs are placed upon any property unless such property front upon more than one (1) street, in which event two (2) such signs may be erected on each frontage;
 - c. Such sign is not illuminated.

- E. Traffic Signs - Signs to provide for the normal and safe flow of traffic into and out of the place

of business such as entrance, exit and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe.

412.3 Home Occupation Signs

One (1) sign advertising a home occupation is permitted provided it does not exceed four (4) square feet in area.

412.4 Residential Development and Multi-Family Project Signs

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

412.5 Cluster Commercial Signs

- A. Project Signs - One (1) free-standing sign identifying the cluster commercial project is permitted on the premises of such project provided the sign does not exceed forty (40) square feet in surface area.
- B. Individual Signs - One (1) sign identifying each business or profession located in the cluster project is permitted provided the sign does not exceed ten (10) square feet in surface area. Such signs shall be attached to the same frame as the cluster commercial project sign provided for in Section 412.5-(a).
- C. Facade Signs - One (1) additional sign identifying each business or profession in the cluster project is permitted provided the sign does not exceed twenty (20) square feet in surface area and the sign is attached directly to the facade of the structure housing the business or profession.

412.6 Shopping Center or Mall Signs

- A. Project Signs - One (1) free-standing sign identifying the shopping mall is permitted on the premises of the mall provided the sign does not exceed 150 square feet in surface area.
- B. Individual Signs - Two (2) additional signs are permitted for each separate tenant in the mall provided that such signs are attached directly to the wall of the structure and each sign does not exceed 10% of the area of the wall to which it is attached.

412.7 Location of Signs

- A. Rights-of-Way - Signs shall not project into, onto or over any public right-of-way and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way.
- B. Public Nuisance - No signs shall be erected, installed or maintained in a location which will

constitute an obstruction to vision or endanger the safety of the traveling public.

412.8 Temporary Signs

The following temporary signs shall be permitted in all Development Districts, after applying to the Zoning Officer and obtaining a permit for them: Special advertising or business identification signs or banners not exceeding forty (40) square feet in total surface area; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days. Political signs may be permitted on a similar basis.

412.9 General Regulations

The following regulations shall apply to all permitted signs:

- A. Permitted Use - A sign shall be permitted only in connection with a permitted use.
- B. Removal - All signs shall be removed when the reasons for their erection no longer apply.
- C. Roof Prohibition - Signs shall not be permitted on the roof or above the roof line of the building to which they are attached.
- D. Wall Projections - No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- E. Side Yard Setbacks - Signs other than official traffic signs shall comply with side yard set backs as established for principal structures in the District where the sign is located.
- F. Nuisance Signs - No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- G. Lighting - No light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety. This shall include flashing, oscillating and "spot" lights when improperly placed. All non-conforming lighted signs shall be removed or brought into conformity within 60 days of the enactment of this Ordinance.
- H. Moving Signs - No revolving sign or any other type of moving sign shall be permitted with the exception of barber poles.
- I. Attachment - No sign shall be attached to any tree, fence, utility pole or other object not intended for such use.
- J. Off-Premises Signs - Not more than one (1) off-premises sign governed by Section 412.2,D,(1) shall be permitted per one hundred (100) feet of road distance on each side of the road.

- K. Portable Signs - Portable signs shall be considered as any other signs and shall be subject to all regulations contained in this Ordinance.
- L. Excessive Height - Signs exceeding a height of 25 feet from the ground surface shall be considered conditional uses.
- M. Permanent Attachment - All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure. Signs affixed to moveable frameworks or otherwise intended to be transportable shall not be permitted.

412.10 Illumination

Where permitted, signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination, if produced in such place or manner as may tend to make it resemble traffic signals, shall not be green, red or orange-yellow.

412.11 Application

An application for a permit to install or relocate a sign shall be made on a form obtained from the Township Zoning Officer and filed with the Township Secretary, together with the fee determined by the Township Supervisors.

412.12 Non-conforming Signs

Existing non-conforming signs may be repaired or reconstructed on the same site, but shall not be relocated. Non-conforming signs shall be those legally existing at the effective date of this Ordinance, or any amendments thereto, in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto. All non-conforming signs shall be registered by the Zoning Officer and the owners of such signs shall be required to pay an annual registration fee established by the Board of Supervisors.

412.13 Penalties

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

412.14 Billboards

The following regulations shall apply to all billboards:

- A. Billboards shall be permitted only in the DD and ID Districts.
- B. A billboard may only be erected on a lot or parcel of property which fronts on a state road.
- C. Not more than one (1) billboard shall be erected on any lot or parcel of property; and in no case shall a billboard be located closer than five-hundred (500) feet to any other billboard.
- D. No billboard shall be erected less than three-hundred (300) feet from any existing residential structure.
- E. No billboard shall exceed three-hundred (300) square feet in surface area; and no advertising face shall exceed fifteen (15) feet in vertical measurement or thirty (30) feet in horizontal measurement.
- F. No billboard shall exceed a height of thirty (30) feet as measured from the elevation of the public road immediately adjacent to the billboard to the highest part of the billboard.
- G. All billboards shall maintain a side yard setback of not less than twenty-five (25) feet; and shall be located not less than twenty-five (25) feet, nor more than seventy-five (75) feet, from the adjoining public road right-of-way line.
- H. No billboard shall be attached to or erected on any other structure.

413 Floodplain Development Standards

There is hereby created a special zoning district, the boundaries of which shall be congruent with those areas identified as Special Flood Hazard Areas (Zone A) on the Flood Hazard Boundary Maps as issued and/or amended by the Federal Insurance Administration, or its successor agencies, for Scott Township. This District shall be an overlay zone in which the normal provisions of the District indicated on the Official Zoning Map shall apply except that no development shall be permitted which is not completely in accord with the provisions of the Scott Township Building Registration Ordinance (Floodplain Development Standards) as amended.

414 Stables and Kennels

414.1 Stables, Private

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

- A. Parcel Size - The following minimum parcel sizes shall be required for the residence and stable:
 - 1. RD, NB, DD AND ID Districts: five (5) acres
 - 2. RU District: two (2) acres

- B. Number of Horses - No more than two (2) horses shall be kept except that one (1) additional horse may be kept for each additional full one (1) acre of land in excess of the minimum lot size required in Table 414-1.

TABLE 414-1 LOT SIZE AND SETBACKS FOR STABLES AND KENNELS				
Type of Use	Minimum Lot Size (acres)	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private Stable RD, NB, DD, ID	5	100	75	200
Private Stable RU	2	100	50	150
Commercial Stable RU only	10***	100	75	200

*Applies to any public or private road right-of-way.
 **Applies to any existing principal residential or commercial building not located on the project premises.
 ***Five (5) horses permitted on initial ten (10) acres

- C. Building Size - The building used to house the horses shall not be less than two hundred (200) square feet in size for one (1) horse, with an additional two hundred (200) square feet for each additional horse.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to Section 411 of this Ordinance with one (1) space provided per two (2) horses boarded on the premises which are not owned by the residents of the dwelling.
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 414-1, Lot Size and Setbacks for Stables and Kennels. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 414-1, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- H. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.

- I. Nuisances - The operation of the horse farm shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.
- J. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 2. Training of horses, and necessary buildings and structures, including race track facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way..
 3. Boarding of horses, and necessary buildings and structures.
- K. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
1. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 2. Commercial horse racing.
 3. Sale of horses other than the horses raised or boarded on the premises.
 4. Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance..

414.2 Stables, Commercial

Commercial stables are permitted as a conditional use in any RU District subject to Section 608 of this Ordinance and the following conditions:

- A. Parcel Size - A minimum parcel of ten (10) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - No more than six (6) horses are kept with the exception that one (1) additional horse may be kept for each additional one (1) full acre of land in excess of ten (10) acres.
- C. Building Size - The building shall not be less than two hundred (200) square feet in size for 1 horse, with an additional two hundred (200) square feet for each additional horse.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.

- E. Parking - Adequate off-street parking shall be provided pursuant to Section 411 of this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 414-1, Lot Size and Setbacks for Stables and Kennels. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback
- G. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.
- H. Nuisances - The commercial stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

414.3 Kennels

Kennels are permitted as a conditional use in any RU District subject to Section 608 of this Ordinance and the following conditions:

- A. Parcel Size - A minimum parcel of three (3) acres shall be required.
- B. Setbacks - Any structure used for the keeping of dogs shall meet the setbacks on Table 414-1, Lot Size and Setbacks for Stables and Kennels
- C. Parking - Adequate off-street parking shall be provided pursuant to Section 411 of this Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from 8:00 P.M. to 8:00 A.M.
- F. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in Subsection "B" of this Section and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

415 Adult Businesses

It is the intent of this Section 415 to provide an adequate, accessible area for the operation of adult businesses, which the Township recognizes as legitimate uses, while minimizing the secondary effects associated with such businesses on the community. It is not the intent of this Section 415 to regulate

adult businesses based on the content of any material or the nature of any activity associated with such use, or in any other way restrict free speech under the First Amendment of the U.S. Constitution. Based upon the experience of other rural, agricultural and residential communities, it is a generally accepted community planning principle that adult businesses have significant secondary effects on such communities. Such effects include the devaluation of adjoining and neighboring business properties, the general degradation of residential neighborhoods and business and commercial districts, increases in crime, and the decline of the overall character of the community.

Adult businesses are permitted as a conditional use in the ID District, which has ample area for the development of such uses adjacent to Interstate 81 for ease of access, yet provides separation from the other districts in the Township and minimize the aforementioned secondary effects. In addition to the other applicable general standards and conditional use criteria contained in this Ordinance, adult businesses shall not be located within one-thousand (1,000) feet of any residence, church, synagogue, public or semi-public use, or health institution.

416 Natural Resource Uses

Natural resource uses shall be considered conditional uses in the RU, DD and ID Districts, and shall comply with all applicable state and federal requirements. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

All natural resource uses and expansions of existing natural resource uses with a cumulative disturbed area of twenty-five thousand (25,000) square feet or more (major natural resource uses) shall be considered Major Impact Developments as regulated by Section 409 of this Ordinance, and conditional uses; and, in addition to all applicable standards of this Ordinance (including Sections 408 and 409), said uses shall comply with the standards in this Section 416.

Natural resource uses in the DD District shall be limited to an open face of not more than two (2) acres. Any area which has not been reclaimed in accord with this Ordinance shall be considered as open face area.

Natural resource uses which will result in a cumulative disturbed area of twenty-five thousand (25,000) square feet or less (minor natural resource uses) shall be considered principal permitted uses in the RU District and shall be exempt from the plan submittal requirements of this Section 416, but shall comply with applicable performance standards; and shall also be exempt from the requirements of Section 409, unless, by virtue of the traffic generated, the use would be considered a Major Traffic Impact use as defined by Section 409.

416.1 Operational Requirements

- A. Vibrations - Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.
- B. Emissions - The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling, staining, irritation, or damage to persons

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

- C. Fencing - The applicant shall submit to the Township for approval by the Board of Supervisors a fencing plan which shall provide for the protection of the public health safety and general welfare by restricting public access from areas of steep slopes, ponds, and/or other hazards. The Township shall determine the type and extent of fencing required as part of the conditional use process. However, in no case shall any fence be less than six (6) feet in height and all required fencing shall be of such design to restrict access. In all cases, fencing shall be required wherever the natural resource use abuts a public road right-of-way. All fence openings to provide access to the site shall be controlled by a gate and locks.
- D. Setbacks/Buffers - The setbacks and buffers in this Section shall be considered the minimum requirements. The Township 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 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 open excavation or quarrying pit shall be located closer than five hundred (500) feet to such property.
 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 two hundred (200) 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 part of the quarrying or excavating operation shall be located closer than three hundred (300) feet to property in a Development District or any of the uses permitted therein.
 - b. Rural use - No part of the quarrying or excavating operation shall be closer than two hundred (200) feet to property in a Rural District or any of the uses permitted therein.
- E. 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 shall not be permitted to become stagnant.
- F. Subsidence - All mining operations shall be conducted in such manner to prevent any subsidence of the surface of the site.

416.2 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.
- B. Type of resources to be extracted or quarried.
- C. 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.
- 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.

416.3 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 the "Operational Requirements," plus any drainage, air pollution, soil erosion or other environmental problems created during the operations including production, transportation, processing, stockpiling, storage and disposal of by-products and wastes.
- E. A plan for re-use of the land after completion of the operations which shall permit the carrying out of the purpose of this Ordinance and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary.
- F. A soil erosion and sedimentation control plan and stormwater control plan meeting the requirements of the County Conservation District and the Scott Township Subdivision Ordinance; and a storm water management plan meeting the requirements of the Township Subdivision Ordinance. For proposals located in the Lackawanna River Watershed, the stormwater plan shall comply with the Township Stormwater Control Ordinance adopted to implement the Lackawanna River Watershed Storm Water Management Plan adopted by the County on July 14, 1992, as amended.

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

- A. Time - Within the time frame approved by the Board of Supervisors, but in no case to exceed three (3) years after the termination of operations, the area shall be rehabilitated to conform with the rehabilitation plan as approved.
- B. Standards - In the rehabilitation of an area the following standards must be met:
 - 1. No area of 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 a natural drainage.
 - 4. Stockpiles, overburden, refuse, plant facilities or equipment shall be removed immediately upon the termination of operations and in no case shall such removal exceed one (1) year.
- C. Maintenance - Any required buffers shall be continuously maintained in good repair.

416.5 Existing Natural Resource Uses

Operations existing prior to the effective date of this Ordinance which are non-conforming as to

setback requirements, shall not be required to correct such existing non-conformity. A rehabilitation plan and 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 416, for existing natural resource uses shall be submitted to the Township within forty-five (45) days of the effective date of this Ordinance, as amended.

416.6 Non-Conforming Uses

Expansion of any natural resource use which is non-conforming 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.

416.7 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.

416.8 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 development of same.

417 Environmental Impact Statement

An environmental impact statement (EIS) is required for any major traffic impact development as regulated by Section 409 of this Ordinance; and the requirements of this Section 417 shall also be applied to any proposed use, which for reasons of location, design, existing traffic of other environmental considerations, as determined by the Township, warrants the application of the study and development standards contained herein.

417.1 Purpose of EIS

The purpose of this EIS is to disclose the environmental consequences of a proposed action for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect water courses, air resources and aquifers.

417.2 Contents of EIS

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

A. Soil Types

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

B. Surface Waters

1. Distance of site from nearest surface water and head waters of streams.
2. Sources of runoff water.
3. Rate of runoff from the site.
4. Destination of runoff water and method of controlling down stream effects.
5. Chemical additives to runoff water on the site.
6. Submission of an erosion and sediment control plan meeting the requirements of the PA DER and the Lackawanna County Conservation District.
7. Said information shall be set forth in a storm water management plan meeting the requirements of the Township Subdivision Ordinance. For proposals located in the Lackawanna River Watershed, the stormwater plan shall comply with the Township Stormwater Control Ordinance adopted to implement the Lackawanna River Watershed Storm Water Management Plan adopted by the County on July 14, 1992, as amended.

C. Ground Cover Including Trees

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

D. Topography

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

E. Ground Water

1. Average depth to seasonal high water table.
2. Minimum depth to water table on site.

3. Maximum depth to water table on site.
4. Quality

F. Water Supply

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

G. Sewage System

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

H. Solid Waste

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

I. Air Quality

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

J. Noise

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

K. Impact of Proposed Use - A description of the impacts on the environment and mitigating factors shall be provided for the following:

1. Plant species, (upland and aquatic).
2. Animal species.
3. Wildfowl and other birds.
4. Drainage and runoff.
5. Ground water quality.
6. Surface water quality.
7. Air quality.
8. Township land use pattern.
9. Township community character and social structure.

10. Community facilities and services.
 11. Sites of historic significance.
 12. Alternatives to proposed development, consistent with the zoning of the tract.
- L. Critical Impacts Areas - In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment.
1. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, estuaries, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
 2. A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
 3. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
 4. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
 5. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.
- M. Law Enforcement - The Environmental Impact Statement shall also include an analysis of the existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.
- N. Additional Requirements - In addition to the above requirements the Planning Commission and/or Board of Supervisors may require such other information as may be reasonably necessary for the Township to evaluate the proposed use.
- O. Qualifications - The EIS shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Board of Supervisors.
- P. Procedures for Evaluating the Environmental Impact Statement Shall be as Follows:
1. Upon receipt of the application the Secretary of the Planning Commission shall forward the EIS to the Township Engineer and any other Agency or firm which the Planning Commission may desire for consultation.
 2. The above mentioned Agencies shall review the applicant's EIS and shall report its comments to the Planning Commission and Board of Supervisors.
 3. The Planning Commission and/or Board of Supervisors may require the opinion of experts in their review of the EIS.
 4. Fees for the costs of such consultation as described in Subsections "1" and "2" above shall be paid by the applicant.
 5. Copies of the Environmental Impact Statement shall be on file and available for inspection in the Township office.
 6. The Planning Commission shall evaluate the proposed project and the EIS and recommend

action on same to the Board of Supervisors.

418 Mobile Homes

It is the intent of this Section to provide for the placement of mobile homes on individual building sites while at the same time preserving the character of the Township and protecting adjoining property values. This Section 418 shall not be interpreted to permit the use of any recreational vehicle as a dwelling.

418.1 Bulk Requirements

Mobile homes shall comply with lot area, yard, height, and other requirements established by this Ordinance.

418.2 Foundation

All wheels and the tongue shall be removed and the mobile home shall be placed upon and permanently attached to a complete, permanent, frost-free foundation consisting of a full basement, a crawl space, piers, or floating slab meeting the requirements of the Township.

418.3 Piers

If piers are utilized, skirting consisting of permanent building material attached to the mobile home and extending to ground level shall be provided in order to prevent exposure of the underside of the mobile home.

419 Recycling Facilities

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

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

All recycling facilities shall be considered conditional uses and in addition to the conditional use standards, commercial standards, and all other applicable standards in this Ordinance, the standards in this Section 419 shall apply as indicated. Recycling facilities operated by Scott Township shall be exempt from the provisions of this Section 419.

419.1 Small Collection Facilities

Small collection facilities shall be considered a conditional use in all Districts and in addition to all

other applicable standards in this Ordinance, the following standards shall apply:

- A. Existing Use - Small collection facilities shall be established only in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and other ordinances of Scott Township.
- B. Size - The total area of all containers shall be no larger than five-hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
- C. Setbacks - All containers shall be set back at least twenty-five (25) feet from any road right-of-way and shall not obstruct pedestrian or vehicular circulation.
- D. Material Permitted - The facility shall accept only recyclables as defined by this Ordinance.
- E. Power Equipment - No power-driven processing equipment shall be permitted.
- F. Containers - Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected in accord with the collection schedule.
- G. Storage - All recyclables shall be stored in containers or in a mobile unit vehicle, and materials shall not be left outside of containers.
- H. Litter - The area shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collections day, shall be swept at the end of each collection day.
- I. Hours of Operation - Attended facilities located within four-hundred (400) feet of a RD District or any property occupied for residential use shall not be in operation between the hours of 7:00 p.m. and 8:00 a.m..
- J. Setbacks - All containers for the deposit of materials shall maintain the setbacks required for the District. Larger setbacks, buffers, or fencing may be required as deemed necessary by the Township in accord with Section 408 of this Ordinance.
- K. Notice - Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and a notice shall be displayed clearly stating that no material shall be left outside the recycling enclosure or containers.
- L. Signs - Signs may be provided as follows:
 - 1. One (1) identification sign of a maximum of sixteen (16) square feet.
 - 2. Signs must be consistent with the character of the location.

3. Directional signs in accord with the sign regulations in this Ordinance and bearing no advertising message, may be installed in accord with Section 412 of this Ordinance if necessary to facilitate traffic circulation, or if the facility is not visible from the public road right-of-way.
- M. Other Improvements - The facility shall not impair the landscaping, stormwater or other improvements required by this or any other Township Ordinances for any concurrent use or any permit issued pursuant thereto.
- N. Parking - No additional parking spaces shall be required for customers of a small collection facility located at the established parking lot of a host use.
- O. Area Designation - Mobile recycling units shall be provided with an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- P. Required Parking - Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host unless evidence is provided by the applicant that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.
- Q. Removal - The collections facility shall be immediately removed from the site when its use is discontinued.

419.2 Large Collection Facilities

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

- A. Screening - The facility shall be screened from adjoining properties and the public right-of-way by operating in an enclosed building; or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping or other buffer approved by the Township.
- B. Setbacks and Buffers - Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located: All buildings, structures, containers and stored materials shall maintain the required setbacks. Additional buffers, setbacks, or fences may be required by the Township in accord with Section 408 of this Ordinance.
- C. Storage - All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or recyclables shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers shall be visible above the height of the fencing.

- D. Litter - The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- E. Peak Use Parking - Space shall be provided on site for at least six (6) vehicles or for the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.
- F. Employee Parking - Parking shall be provided in accord with the parking regulations contained in this Ordinance; and, at a minimum, one (1) parking space shall be provided for each working employee and for each commercial vehicle operated by the recycling facility.
- G. Hours of Operation - If the facility is located within five-hundred (500) feet of property zoned RD or occupied for residential use, it shall not be in operation between 7:00 p.m. and 8:00 a.m.
- H. Containers - Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
- I. Container Markings - All containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- J. Signs - The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of Section 412 of this Ordinance. Directional signs bearing no advertising message may be installed in accord with Section 412, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- K. Noise/Power Equipment - Power-driven processing, including aluminum and bi-metal can compacting, baling, plastic shredding, glass crushing, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved, provided noise and other operational concerns are addressed to the satisfaction of the Township.

419.3 Recyclable Processing Facilities

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

420 Agricultural Uses -- Crop Production and Livestock Operations

Agricultural uses, including crop production and livestock operations, shall be permitted in all Districts; except, in the NB District where livestock operations shall not be permitted. In addition to the other applicable standards of this Zoning Ordinance, agricultural uses shall be subject to the following requirements:

420.1 Crop Production

Crop production shall be permitted in any District on any size of parcel of land.

420.2 Livestock Operations

Livestock operations shall be considered an agricultural use subject to the applicable requirements of this Ordinance, including the classification of type of use on the Schedule of Uses, and this Section 420. Livestock operations shall not be permitted in the NB District.

A. Parcel Size - The minimum contiguous parcel size shall be as follows:

1. RU Districts - five (5) acres
2. DD and ID Districts - ten (10) acres
3. RD Districts - twenty (20) acres.

B. Setbacks - Buildings and structures used to house livestock, corrals, feed lots, or other areas where livestock or animal waste is concentrated shall meet the setbacks on Table 414-2, Lot Size and Setbacks for Livestock. These setbacks shall not apply to where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.

C. Nuisances - The livestock operation shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

D. Fences - All livestock shall be restricted from grazing or intruding on an adjoining property by adequate fencing.

**TABLE 414-2
LOT SIZE AND SETBACKS FOR LIVESTOCK**

Type of Use	Minimum Lot Size (acres)	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** RD, NB District Setback (ft)
Livestock RU	5	100	75	200
Livestock DD, ID	10	100	75	200
Livestock RD	20	150	100	200
Swine	per district above	200	150	300

*Applies to any public or private road right-of-way.

**Applies to any existing principal residential or commercial building not located on the project premises, and any RD or NB Zoning District boundary.

- E. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of livestock, which structure does not meet the required setbacks Table 414-2, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.

420.3 State Protected Agricultural Operations

Nothing in this Section 420 is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and projections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

420.4 Small Animals on Residential Properties

Nothing in this Section 420 is intended to preclude the keeping of small animals on residential properties in any district provided such animals are not used for any commercial purpose and the number of animals kept creates no public health hazard or any nuisance due to odor, noise, dust or other factor on any neighboring property. For the purposes of this section small animals shall include chickens, ducks, geese, pigeons, rabbits, ferrets, chinchilla and similar animals.

421 Bed and Breakfast Establishments

A bed and breakfast establishment may be permitted in any District as classified on the Schedule of Uses in accord with the following standards:

421.1 Parcel Size

A minimum parcel size of two (2) acres shall be required in the RD District, and a minimum of one (1) acre in all other Districts.

421.2 Parking

Adequate off-street parking is provided in accord with Section 411 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.

421.3 Sewage Disposal

Adequate and approved sewage disposal shall be provided.

421.4 Number of Rooms

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

421.5 Management

The owner or manager of the bed and breakfast must reside on the premises.

422 Regulations for Communication/Reception Antennae

The following regulations shall apply to cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, other commercial antennae and associated facilities, and certain antennae accessory to principal structures. Such antennae and associated facilities shall be permitted only in the districts as provided on the Schedule of Uses.

422.1 Purposes

- A. To accommodate the need for cellular phone and similar antennae while regulating their location and number in the Township in recognition of the quasi-public nature of cellular phone systems.
- B. To minimize the adverse visual effects of antennae and antennae support structures through proper design, siting and vegetative screening.
- C. To avoid potential damage to adjacent properties from antennae support structure failure and falling ice, through engineering and proper siting of antennae support structures.
- D. To encourage the joint use of any new antennae support structures and to reduce the number of such structures needed in the future.

422.2 Use Regulations

- A. Existing Structures - An antenna site with an antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structure shall be considered a principal permitted use and conditional use approval shall not be required. The height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.
- B. New Structures - An antenna site with an antenna that is either not mounted on an existing structure, or is more than ten (10) feet higher than the structure on which it is mounted shall require conditional use approval.
- C. Associated Use - All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the antenna site, unless otherwise permitted in the zoning district in which the antenna site is located.
- D. Antennae Accessory to Principal Structures - Any antenna accessory to a residential structure which is attached to the structure and does not exceed the structure height by more than fifteen (15) feet shall not be regulated by this Section 422. Any antenna which exceeds the height of the structure to which it is attached by more than fifteen (15) feet, and any free-standing antenna which exceeds the maximum height limitation of the district shall be considered a conditional use and shall comply with the applicable standards of this Section 422, and no

antenna accessory to a residential structure shall exceed a height of one-hundred (100) feet.

422.3 Standards

- A. Location Requirement - The applicant shall demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.
- B. New Tower - Shared Use - If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), the Township may require the applicant to demonstrate that it contacted the owners of tall structures within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- C. Antenna Height - The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. No antenna accessory to a residential structure shall exceed a height of one-hundred (100) feet.
- D. Setbacks from Base of Antenna Support Structure - If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and property line shall be the largest of the following:
1. Thirty (30) percent of antenna height.
 2. The minimum setback in the underlying zoning district.
 3. Forty (40) feet.
- E. Antenna Support Structure Safety - The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers.
- F. Fencing - A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such

as a building), and in general buffer the antenna site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

- H. Other Uses - In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and local fire, police, and ambulance companies.
- I. Licenses - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies.
- J. Access and Parking - A road and parking area shall be provided to provide adequate emergency and service access. If the antenna site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- K. Color and Lighting - No antenna support structure shall be artificially lighted except when required by the Federal Aviation Administration (FAA). In order to reduce the visual impact, antenna support structures shall be painted gray or have a galvanized finish retained above the surrounding tree-line, and shall be painted gray, green or black below the surrounding tree-line unless otherwise required by the FAA. Support structures should, whenever possible, be designed and sited to avoid the necessity of complying with Federal Aviation Administration lighting and painting regulations.
- L. Site Plan - A full site plan shall be required for all antenna sites, showing the antenna, antenna support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

423 Two-Family Dwellings

Two-family dwellings are permitted in all Districts in accord with Section 305.2, District Use Schedule, of this Zoning Ordinance, and the standards of this Section 423 shall apply.

423.1 Density

The density for two-family dwellings shall be maintained at one (1) unit per acre. In the RD District where central water supply and central sewage disposal are provided, the density shall be one (1) unit per thirty thousand (30,000) square feet of land area. (See Section 306, Note A.)

423.2 Common Wall

In cases where the two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, the said wall shall be located on the common property line separating the adjoining lots. Each lot shall not be less than the required District minimum lot size, and front, rear, and side yards shall be maintained as required for the applicable District.

423.3 Over/Under Units

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one (1) unit located on the second floor above a first floor dwelling unit, the lot size shall be double the size required for a single family residence in the same District and required District front, side and rear yards shall be maintained.

423.4 Parking

Off-street parking shall be provided in accord with this Zoning Ordinance.

423.5 Sewage Disposal

Sewage disposal shall be provided in accord with PA DEP. In the case where the use of an existing on-site sewage disposal system is proposed, the applicant shall provide certification from a professional engineer of the adequacy and compliance of said system.

423.6 Conversions

See Section 424 of this Zoning Law.

424 Conversion of Dwellings

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall, in addition to the other applicable standards in this Zoning Ordinance, comply with the standards in this Section 424.

424.1 General Requirements

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units, or families, shall be permitted only within a zoning district in which a new building for similar occupancy would be permitted under this Ordinance and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, living space, lot coverage, dimensions of yards and other open spaces, off-street parking, and other applicable standards.

424.2 Sewage Disposal

Sewage disposal shall be provided in accord with PA DEP requirements. In the case where the use

of an existing on-site sewage disposal system is proposed, the applicant shall provide certification from a professional engineer of the adequacy and compliance of said system.

425 Assisted Care Dwelling Unit for Relative in RU Districts

See definition of Related or Relative (as applicable to this Section 425)

The Township recognizes that in certain cases the only economically feasible means of caring for a relative who is infirm, aged, or ill is to provide temporary housing with immediate access to the care provider. In terms of sewage disposal, the development of an additional dwelling unit will not necessarily create sewage flows which would exceed the flows created if the relative needing care resided in the same dwelling unit as the care provider. PA DEP provides, via *TAB 51*, for the development of temporary *elder houses* or *granary flats* to address *sickness or other hardship* without the requirement of processing a sewage planning module. Given the nature of the use, the most appropriate means of providing for such assisted care units is to treat assisted care dwelling units as accessory uses.

Assisted care dwelling units as regulated by this Section 425 shall be permitted only in RU - Rural Districts.

425.1 Accessory Use Permit

A temporary dwelling unit for the care of a relative, defined as an "Assisted Care Dwelling Unit for Relative" by this Ordinance, shall be considered an accessory use and all applicable zoning permits shall be required. In addition, a renewable accessory use permit shall be required which shall be renewed annually provided all requirements of this Zoning Ordinance are met. Prior to issuance and renewal of the permit by the Zoning Officer the applicant shall document to the satisfaction of the Zoning Officer that the "relative" status of the occupant(s) of the accessory unit and their physical condition has not changed. In any case, the occupants of the principal dwelling unit shall immediately report to the Zoning Officer any change in the occupancy status of the accessory unit and the arrangements made for the elimination of the unit within sixty (60) days of the time when the occupancy status changed.

425.2 Application Requirements

The applicant shall provide a completed building permit application including a plan showing, at a minimum, the information required by Section 602 of this Ordinance, and any other information deemed necessary by the Zoning Officer to determine compliance. The application shall also include a legally binding agreement for execution between the property owner and the Township to provide for the elimination of the accessory unit in accord with the requirements of this Section 425 when the accessory unit is no longer occupied by the relative requiring care.

425.3 Subdivision and Land Development Requirements

Approval under the Township Subdivision and Land Development Ordinance shall not be required for accessory units for the care of a relative meeting the definition of "Assisted Care Dwelling Unit for Relative".

425.4 Occupancy -- Care Requirement

The accessory unit shall be limited to occupancy by a "relative" (as defined by Article II of this Zoning Ordinance) of a permanent resident of the principal dwelling unit on the property. Such relative shall need care and supervision because of old age or illness as documented by a letter from a licensed medical doctor, and the Township shall have the right to obtain a second opinion. Such accessory unit shall be permitted only where the relative requiring the care occupies the accessory unit located on the parcel of the care provider, and only so long as the ill or elderly relative requires care as evidenced by written documentation by a licensed medical doctor as requested by the Zoning officer at his discretion from time to time to verify compliance..

425.5 Sewage Disposal

The accessory unit may be connected to the existing sewage disposal system provided the Township Sewage Enforcement Officer (SEO) confirms that the system is in good operating condition and any prior malfunctions have been corrected. All applicable permits and approvals for the connection, modification or installation of any sewage facilities necessary to accommodate the accessory unit shall be required. Sewage flows from the accessory unit shall not exceed four hundred (400) gallons per day. The confirmation by the SEO shall not place any liability on the Township or the SEO for any future sewage malfunction nor relieve the property owner from the responsibility of correcting any such malfunction. In all other respects, the accessory unit shall be subject to and comply with all other applicable local, state and federal ordinances, regulations, laws and statutes.

425.6 Bulk and Density Requirements

All standards for setbacks, lot coverage, building height and other bulk requirements shall apply and any accessory mobile home shall be not less than twenty (20) feet from the principal dwelling. The accessory unit may be installed on any lot provided all bulk requirements can be met.

425.7 Unit Design

The accessory unit, if attached to the principal unit, shall be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit after its use as an assisted living unit is discontinued; or in the case of a mobile home, can be easily removed from the property. Any such attached unit shall not detract from the single family residential exterior appearance of a dwelling. Unattached accessory units shall be limited to mobile homes only.

425.8 Removal of Unit

Once the accessory unit is no longer occupied by the relative requiring care or if the illness no longer exists, the dwelling shall be reconverted into part of the principal dwelling unit or be completely removed within ninety (90) days of written notice provided by the Township, and such unit shall not be occupied in the interim. The time for removal may be extended by the Board of Supervisors upon petition by the property owner for good cause. When any unit permitted under this Section 425 is required to be removed, there shall be no physical evidence visible from exterior to the lot lines that such unit existed, other than possibly the expanded size of the dwelling.

425.9 Enforcement

The issuance of an accessory use permit shall not prohibit the Township from proceeding with enforcement of the Zoning Ordinance should the Township determine that any of the provisions of this Section 425 and Zoning Ordinance have been violated. In such case, the accessory use permit shall be revoked and the assisted care dwelling unit shall be removed by the property owner, and the Township may proceed with any enforcement action authorized by law.

426 Removal of Earth And Stone As Part of Site Preparation For Development

This Ordinance regulates the sale of top soil, stone, rock, sand and similar material as a commercial use. More specifically, such activity is defined as a "natural resource use", and is considered a conditional use in certain districts. The Township recognizes that for certain properties, significant site preparation is required prior to development. This may include the removal of topsoil or stone for the construction of a driveway, bringing a site to grade level, providing access, or a similar activity. It is not unreasonable for the owners of such properties to sell the excavated material. Such sale is not the primary use of the property under development; but instead, is only undertaken in preparation for the development of another use. Requiring the transport of the material from the site prior to its sale would be onerous to the property owner; and would not be necessary to protect the public health, safety and welfare. The protection of the public health, safety and welfare will not be compromised by the limited sale of material excavated in association with the preparation of a site for development. However, without limiting the scale of the material removal to that which is specifically necessary for site preparation, the intent of the Zoning Ordinance to regulate "natural resource uses" would be compromised. Given the nature of the use, the most appropriate means of providing for the limited sale of excavated earth and stone is to treat it as an accessory use.

426.1 Accessory Use

The removal of earth or stone as part of the preparation of a site for development shall not be considered a commercial operation defined as a "natural resource use" by the Zoning Ordinance. Instead, it shall be treated as an accessory use.

426.2 Incidental Sale

Such sale must be clearly incidental to the site preparation and shall not go beyond what would be associated with the proposed development, neither in area or depth of excavation.

426.3 Plan

The property owner shall submit to the Township, by letter and site plan, a description of the property, proposed development, extent of material excavation, and completion date; and, a copy of the soil erosion and sedimentation control plan for the site prepared in accord with County Conservation District and PA Department of Environmental Protection standards..

426.4 Duration

The accessory use permit shall be valid for six (6) months from its issuance, and an extension may be granted by the Township for good cause shown by the applicant.

426.5 Other Requirements

This issuance of the accessory use permit shall not obviate the requirement for all other necessary approvals and compliance with all other applicable regulations (e.g., soil erosion and sedimentation control, sewage disposal, and storm water).

426.6 Enforcement

The issuance of an accessory use permit shall not prohibit the Township from proceeding with enforcement of the Zoning Ordinance should the Township determine that the sale of material goes beyond what is associated with site preparation and is reasonably considered a "natural resource use".

ARTICLE V - NONCONFORMITIES

501 Purpose, Applicability, Registration, and Continuation and Change

501.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of the original Scott Township Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, reconstruction, reestablishment, extension, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.

It is also the purpose of this Article is to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.

It is further the purpose of this Article to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

501.2 Applicability

The provisions and protections of this Article V shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, reenacted and replace, or which are recognized by Section 503 or Section 504 of this Article V. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

501.3 Registration

It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.

501.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

502 Definitions

502.1 Nonconforming Lot

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Lackawanna County Recorder of Deeds prior to the effective date of the original Scott Township Zoning Ordinance, as amended, reenacted and replaced.

502.2 Nonconforming Structure

A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the enactment of the original Scott Township Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, non-conforming signs.

502.3 Nonconforming Structure, Alteration or Expansion

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

502.4 Nonconforming Structure, Reconstruction

The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.

502.5 Nonconforming Use

A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Lawfully in existence prior to the enactment of the original Scott Township Zoning Ordinance, as amended, reenacted and replaced.

502.6 Nonconforming Use, Change

The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this Zoning Ordinance.

502.7 Nonconforming Use, Extension

The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.

502.8 Nonconforming Use, Reestablishment

The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Zoning Ordinance.

503 Nonconformities Under Development

For the purposes of this Article V, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

504 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

505 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

506 Changes of Nonconforming Uses

506.1 Conditional Uses

All changes of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Section 608 of this Ordinance and the review factors in Section 608 of this Ordinance. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Board of Supervisors in accord with classification of the uses in the Schedule of Uses of this Ordinance. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative effects on the community and the long term application of the Zoning

Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in an RD District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

506.2 Conforming Changes and Conversions

- A. Change - A change in a nonconforming use to a conforming use shall not be considered a conditional use unless the proposed use is classified as a conditional use by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. Conversion - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a conditional use. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

506.3 Other Standards

All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

507 Extension of Nonconforming Uses

507.1 Conditional Uses

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered conditional uses subject to the specific procedures and review criteria contained in Section 608 of this Ordinance, and the review factors in Section 512 of this Article.

507.2 Extension onto Other Properties of Record in the Same Ownership; New Structures

Extensions of a non-conforming use shall be on land contiguous to the existing use and shall be limited to the same parcel of property on which the non-conforming use is situated as said parcel existed on record at the time of the adoption of this Ordinance (November 19, 1987) or Amendment thereto. For any non-conforming uses not involving a non-conforming structure, no new structures shall be permitted as part of an extension.

507.3 Extension Limitation

In the RD District and RU District, an extension of land or structure utilized for the non-conforming use shall be limited to a total increase not to exceed twenty-five (25) percent of land and twenty-five (25) percent of structure beyond what existed as of November 19, 1987, the effective date of this Ordinance. In all other Districts such extension shall be limited to a total increase not to exceed fifty (50) percent of land and fifty (50) percent of structure beyond what existed as of November 19,

1987, the effective date of this Ordinance. All such extensions of a non-conforming use may be permitted in successive increments for a total up to the increase permitted; and each increment shall be a separate application. In the case of non-conforming uses not involving structures, in all Districts an extension of such a non-conforming use may only be permitted in increments of twenty-five (25) percent or less, for a total up to the permitted extension limit; and each increment shall be a separate application. Applications for successive increments shall only be entertained by the Township upon the completion of the previously approved addition or extension.

507.4 Prohibited Extensions

Should the use proposed for extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested extension shall be denied. The Board shall consider past operating performance in making its decision.

508 Reconstruction

508.1 Time Limit

If any nonconforming structure or use is damaged as a result of a casualty, it may be restored or reconstructed to its preexisting condition of nonconformity provided:

- A. The application for a building permit is submitted within eighteen (18) months of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created.

508.2 Procedure - Permits

All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a conditional use if the reconstruction involves a change or extension of use as regulated by Section 506 and Section 507 of this Ordinance, respectively.

508.3 Time Extension

The Board of Supervisors may, as a conditional use and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in Section 608 of this Ordinance, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

509 Abandonment

Unless extended in accord with this Section 509, if a non-conforming use of land or structure ceases

operations, is discontinued, is vacated or is otherwise abandoned for a period of eighteen (18) months or more, then this shall be deemed to be an intent to abandon such non-conforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Zoning Ordinance. The Zoning Officer may notify in writing the title owner of the land and/or structure that the eighteen (18) month period has expired. Upon application by the title owner and for good cause shown, the Zoning Officer may extend the validity of a nonconformity for a period of one (1) year from the date of application by the owner. One additional extension may be granted by the Zoning Officer, provided application is made by the owner before the expiration of the initial extension. However, a change of a non-conforming use to a conforming use shall be considered an abandonment of the non-conforming use which shall not thereafter be re-established.

510 Alterations and Expansions of Nonconforming Structures

510.1 Alterations

The alteration or expansion of nonconforming structures shall be permitted only in accord with this Section 510.

510.2 Procedure - Permits

All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a conditional use if the alteration or expansion involves a change or extension of a nonconforming use as regulated by Section 506 and Section 507 of this Ordinance, respectively.

510.3 Nonconforming Setbacks

Should a building have a lawful nonconforming side or rear building setback, the structure may be altered to increase the height above such setback or to extend other portions of the building up to such nonconforming setback line provided no additional nonconformity is created. However, such additions shall not be permitted to any non-residential structure which abuts a residential use.

510.4 Increase in Area or Bulk Nonconformity

In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

511 Use of Nonconforming Lots of Record

511.1 Single Family Dwelling

A single-family dwelling may be erected or expanded on any lawful nonconforming lot of record in any District, provided

- A. Adjoining Lands - The owner does not own adjoining property which can be combined to make the lot conforming.
- B. Yards - No side or rear yard setbacks are reduced to less than fifty (50) percent of the requirement for the District in which the lot is located and the required front yard setback is maintained.
- C. Other Standards - All other applicable standards in this Ordinance are satisfied.
- D. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

511.2 Commercial Uses

A commercial use may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:

- A. Adjoining Property - The lot owner does not own adjoining property which can be combined to make the lot conforming.
- B. Setbacks - All setbacks normally required in the District are maintained.
- C. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the lot size for the district.
- D. Other Standards - All other applicable standards in this Ordinance are satisfied.
- E. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

512 Review Factors

The Township shall, in addition to the standards in Section 408 and Section 608 of this Ordinance, consider any nonconformity conditional use application in terms of the effect on the following factors:

- A. Traffic generation.
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

513 Non-Conforming Agricultural Uses

The expansion of any non-conforming agricultural use shall not be considered a conditional use. For the purposes of this Section 513, expansion shall include the addition of any land to the operation, an increase in the number of animals, or the construction or enlargement of any building or structure on the premises provided all required setbacks are maintained. This shall not exempt the agricultural use from complying with the other applicable requirements of this Article V and this Zoning Ordinance.

ARTICLE VI - ADMINISTRATION

601 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 which are conditional uses shall be issued only upon written order of the Planning Agency and the Township Supervisors. Permits for construction and uses which are a special exception or a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

602 Permits

602.1 Requirements of Permits.

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof (including accessory buildings of more than one-hundred twenty five (125) square feet in size); prior to the use or change in use of a building, structure 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 structure or for any change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases or normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure, nor in the case of accessory uses which do not involve new structures or structural changes to existing buildings.

602.2 Applications for Permits.

All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied. Applications for uses which also necessitate approvals under the Scott Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance.

602.3 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 the provisions of other applicable regulations. A permit issued hereunder shall become void twelve (12) months after the issuance date. In cases where construction of a building, structure or addition thereto is involved and said construction has not been initiated in this twelve (12) month period, the permit shall be void. Initiation of construction shall be considered site preparation and placement of permanent footing, at minimum, in which case the zoning permit may be renewed in one (1) year increments, but not to exceed three (3) years.

602.4 Temporary Permit.

A temporary permit may be authorized by the Board of Supervisors for a 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.

602.5 Mobile Home Replacement Permits

No permit shall be issued for a single-family dwelling to replace an existing mobile home unless and until the applicant shall agree in writing to remove the mobile home from the property within ninety (90) days of occupancy of the new single-family dwelling. This shall not apply if the parcel size is adequate and all required zoning, subdivision/land development and sewage disposal approvals have been obtained to maintain the two dwellings on the parcel.

603 Fees

The Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, special permits, variances and other matter pertaining to this Ordinance.

Said schedule of fees shall be posted in the office of the Zoning Officer.

Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

604 Inspection

604.1 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 finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not

conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

- B. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to the issuance of Certificate of Use Permit.

605 Certificate of Use

605.1 Definition

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.

605.2 Requirement

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.

605.3 Buildings

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.

605.4 Uses

A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.

605.5 Non-Conforming Uses

A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.

605.6 Records

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.

506 Violations

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, occupant and/or contractor, such violation shall be discontinued immediately.

507 Penalties and Remedies

It shall be unlawful to erect, construct, reconstruct, alter and 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 any of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500) dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment of not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of zoning ordinances shall be paid over to the Township.

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.

608 Conditional Uses and Special Exceptions

608.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include a plan containing the information required in Section 608.6. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

608.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 608.4 and any other applicable standards in this Ordinance. Expansions or additions to uses classified as conditional uses shall also be considered conditional uses unless said expansion or addition involves an increase of less than twenty-five (25) percent of the floor area or lot area devoted to the use, as measured cumulatively from the effective date of this provision. The addition of an accessory structure shall not be considered a conditional use. These provisions shall not exempt changes to non-conforming uses from conditional use requirements; see Section 503 of this Ordinance.

Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Planning Commission. The Planning Commission shall review the application at a public meeting specifically advertised for said review, and shall report its findings, together with a recommendation indicating whether the criteria listed in this Section 608 and any other applicable performance standards have been satisfied.

Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall conduct a public hearing pursuant to public notice and shall grant or deny the application. If the application is granted, the Board of Supervisors shall direct the Zoning Officer, in writing, to issue a permit for the same attaching any conditions of approval as authorized by the Pennsylvania Municipalities Planning Code and the standards in this Ordinance, as established by the Board of Supervisors. If the application is denied, the applicant shall be notified of the action in person or by certified mail; such notice including reasons for denial.

608.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in Section 608.4. Procedures for special exceptions shall be as established by the Pennsylvania Municipalities Planning Code. Expansions or additions to uses classified as special exceptions shall also be considered special exceptions unless said expansion or addition involves an increase of less than twenty-five (25) percent of the floor area or lot area devoted to the use, as measured cumulatively from the effective date of this provision. The addition of an accessory structure shall not be considered a conditional use.

608.4 Standards and Criteria

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

A. Comprehensive Plan - The proposed use shall be in harmony with purposes, goals, objectives and standards of the Scott Township Comprehensive Plan, this Ordinance and all other ordinances of Scott Township.

B. Need - There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed use of a similar nature in the area and an objective to provide or maintain a proper mix of uses within the Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area.

The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

C. Public Health, Safety and General Welfare - The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.

D. Community Facilities - The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.

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

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of stormwater and drainage facilities stormwater leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. Conditions - No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with Section 912.1 or Section 913.2 of the Pennsylvania Municipalities Planning Code, as the case may be.

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

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

608.5 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such

expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

608.6 Information Required

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

Six (6) copies of the application for conditional use or special exception and supporting documentation shall be submitted.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this Section 608.6 shall be provided by the applicant. However, the Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.

In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by Subsection A which follows. However, a plot plan, as required by Subsection B which follows, shall not generally be required unless the Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, the Planning Commission, Township Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

- A. A narrative providing details of the project.
- B. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - 1. Name of the development.
 - 2. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - 3. Location map.
 - 4. North arrow, true or magnetic.

5. Graphic scale.
6. Written scale.
7. Date plot plan was completed.
8. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
9. Proposed and existing street and lot layout including street names and right-of-way widths.
10. Existing and proposed man-made and/or natural features:
 - a. Water courses, lakes and wetlands (with names).
 - b. Rock outcrops, ledges and stone fields.
 - c. Buildings and structures and setbacks required by the Zoning Ordinance.
 - d. Approximate location of tree masses.
 - e. Utility lines, wells and sewage system(s).
 - f. Entrances, exits, access roads and parking areas including the number of spaces.
 - g. Drainage and stormwater management facilities.
 - h. Any and all other significant features.
11. Location of permanent and seasonal high water table areas and 100 year flood zones.
12. Tract boundaries accurately labeled.
13. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
14. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
15. A statement of the type of water supply and sewage disposal proposed.

609 Zoning Hearing Board

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of 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:

A. Appeals

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.

B. Validity Challenges

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.

C. Variances

The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

D. Special Exceptions

The Board shall hear and decide requests for special exceptions pursuant to the criteria also applying to conditional uses and outlined in Section 608.

E. Other Appeals

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 Article IX and X of the Pennsylvania Municipalities Planning Code.

610 Appeals

An appeal of this Ordinance, appeal of the decision of the Zoning Officer, request for special exception or request for variance shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed, and reasons why it should be granted.
- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the

location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.

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.

611 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

A. Unique Characteristics

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

B. Strict Conformity

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. Hardship

That such unnecessary hardship has not been created by the applicant.

D. Affects

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and

E. Minimum

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 Article VI 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.

612 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 hereafter 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.

613 Validity

If any sections of this Ordinance shall be found to be invalid, the other sections of this Ordinance shall not be affected thereby.

ZONING MAP CHANGES MADE AS PART OF THE SEPTEMBER 9, 1993 AMENDMENT

The 1993 Zoning Amendment made the following changes to the Zoning Map:

- A. Created a DD zone and expanded an RD zone in the vicinity of Heart Lake/Virbitsky Road as depicted on the revised (1993) Scott Township Zoning Map. The area affected by these changes is encompassed within Lackawanna County Tax Map No. 42.04.
- B. Made no change in the existing DD zone in the area of Justus Corners and added the Richard and Cheryl Lisko property and the area shown as Parcel 2 on the Tax Maps to the DD District. Changed to a NB District that area from the east side of Justus Corners along the northerly side of State Route 347 to the property line of the Lewis Brothers Garage; and included as NB District from the easterly side of Justus Corners on the southerly side of State Route 347, the area bounded by Zury Road (T427). Created an NB zone using the four hundred (400) foot corridor method in the area of Justus Corners. The districts are depicted on the revised (1993) Scott Township Zoning Map. The area affected by this change is encompassed on Lackawanna County Tax Map Nos. 92.01, 92.02, 92.03, and 92.04.
- C. Made no change in the existing DD zone in the Montdale Corners area and added the Stephen Swika, Jr. (S&S Amusements, Lackawanna County Tax Map No. 72.01-2-9) property to the DD District. Created an NB zone in the vicinity of Montdale Corners primarily using the four hundred (400) foot corridor method and following certain property lines. The districts are depicted on the revised (1993) Scott Township Zoning Map. The area affected by these changes is located on Lackawanna County Tax Map Nos. 72.01 and 72.03.
- D. Altered the zoning designation of the area around the Krenitsky Subdivision from the Township line through the Krenitsky Subdivision to T-521 (Terry Drive) to the effect that the area, which was formerly designated RU, is designated RD. The districts are depicted on the revised (1993) Scott Township Zoning Map. The area affected by this change is encompassed on Lackawanna County Tax Map Nos. 81.04 and 82.03.
- E. Created an ID zone in the area between Exits 61 and 62 of Interstate Route 81, said ID zone generally bounded on the east by Walsh Road (T-510), on the south by PA Route 438, and on the north and west by the Township boundary line; said zone, depicted on the revised (1993) Scott Township Zoning Map. The area affected by this change is encompassed on Lackawanna County Tax Map Nos. 31.03, 40.02, 40.04, 41.01 and 41.03.
- F. Altered the zoning designation of the area between Dennis Road (T-516), and the private Grzybowski Road, and the Township Grzybowski Road (T-488) to the effect that the more northerly area, which was formerly designated DD, is designated RU. The more southerly area remains DD. The districts are depicted on the revised (1993) Scott Township Zoning Map. The area affected by this change is encompassed on Lackawanna County Tax Map Nos. 70.02 and 70.04.
- G. Altered the zoning designation of the area between Exits 59 and 60 of Interstate Route 81, said

area generally bounded on the west by Interstate Route 81, on the east by State Route 347, and on the north and south by existing DD Zones, to the effect that the area, which was formerly designated RU, is now designated DD as depicted on the revised (1993) Scott Township Zoning Map. The area affected by this change is encompassed on Lackawanna County Tax Map Nos. 61.03, 71.01 and 71.03.

- H. Altered the zoning designation of three lots in the Waverly Heights Subdivision, bounded on the north by lands of Govan, on the east by Joseph Drive, on the south by State Route 632, and on the west by lands of Scranton Times, to the effect that the area, which was formerly designated DD, is now designated RD as depicted on the revised (1993) Scott Township Zoning Map. The area affected by this change is encompassed on Lackawanna County Tax Map No. 71.03.
- I. Altered the zoning designation of the area of the Burcheri property (Tax Map No. 70.04-2-19), which was formerly designated RU, is now designated as part of the DD District at I-81, Exit 59. The district is depicted on the revised (1993) Scott Township Zoning Map. The area affected by this change is encompassed on Lackawanna County Tax Map Nos. 70.04 and 71.03.

All other zoning districts remained as depicted on the November 19, 1987 Zoning Map, said Districts now set forth on the Zoning Map shown and delineated on the set of Lackawanna County tax maps for Scott Township adopted herewith.

ZONING MAP AMENDMENT DESCRIPTIONS

THE HEART LAKE AREA, New DD District

BEGINNING at a point in the center of Route 247, said point being approximately 700' North of the intersection of Route 247 & 107, also locally known as Heart Lake Corners; this said point being also on the extension of a property line common to William & Joan Slacktish and that of Steve Schlasta. Thence continuing on this Slacktish/Schlasta dividing line in a Northwesterly direction approximately 200' to a corner common to lands of Slacktish, Steve Schlasta, & Mary Schlasta; thence Southwesterly along the dividing line of Mary Schlasta and Slacktish property and by their extension to a point in the center of Route 107, said point being approximately 350' Northeasterly from Heart Lake Corners.

Thence continuing in a Southeasterly direction on the centerline of Route 107 approximately 100' to a point, said point being at the intersection of Route 107 and the extension of the Northwesterly line of lands of John D. Cure, Jr. as it would pass in crossing T-508, Cure Road. Thence continuing Southwesterly along said boundary of John D. Cure, Jr. to a point being a common property line of John D. Cure, Jr. and D.D. Cure. Then along this dividing line of the two separate Cure properties and by its extension to the center of Route 247; said point being approximately 250' South of Heart Lake Corners. Then continuing Southwesterly along the centerline of Route 247 to a point where the extension of the Southern property line of John Wansacz intersects said centerline.

Thence along the Southern most Wansacz boundary to a corner common to land of Joseph Piltz. Then turning Northward and following first the Wansacz/Piltz boundary then one common to Wansacz/Barrett to a corner in the properties of the latter owners. Then turning to the Southeast and continuing along the Barrett/Wansacz property and its extension to the center of Route 107; said point being approximately 550' Southeast of Heart Lake Corners. Thence continuing Northerly along said center of road approximately 75' to a point where the extension of a dividing line between John Wansacz and Sandra Nobrega intersects said centerline. Thence Northeasterly following the Wansacz/Nobrega property line to its ending, then continuing in the same direction, but now following the property line common to Martha Prestys and John Leonard to a corner, said corner now common to land of Martha Prestys, John Leonard, and Steve Schlasta. Thence turning Northwesterly and following the dividing line of Prestys/Schlasta by its extension to the center of Route 247, being approximately 350' North of Heart Lake Corners. Then turning Northeasterly and following along the center of Route 247 to the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAP 42.04 CHANGED FROM AN RU ZONING DISTRICT TO A DD ZONING DISTRICT.

THE HEART LAKE AREA, New RD District.

BEGINNING at a point in the center of Route 247 said point being on the extension of a dividing line between John Cure, Jr. and D.D. Cure and also being approximately 250' Southwesterly from Heart Lake Corners. Then continuing along the center of Route 247 Southwesterly to a point where the extension of a property line dividing lands of D.D. Cure and John Wargo intersects said centerline. Then leaving the road and following said property line in a Northwesterly direction leaving the Cure property and continuing with the Wargo line as it becomes common to division with the properties of Joseph and George Virbitsky; stopping at a point common to Wargo, George Virbitsky, and Robert Keen.

Thence turning to the Northeast and following the boundary line common to Robert Keen (Westerly side) and the Virbitsky Subdivision on the East passing on the rear of properties owned by George Virbitsky, Michael Virbitsky, Paul Terpak, and Dominick Piraino to a point in the center of T-508, Cure Road. Thence following the center of Cure Road to the Southeast to an intersection with the extension of a dividing line between two (2) lots of John Wansacz and land of John Cure, Jr. Then continuing along the Wansacz/Cure dividing line in a Southwest direction to a point common to Wansacz, John Cure, Jr., and D.D. Cure. Thence turning to the Southeast and following to dividing line of John Cure, Jr. and D. D. Cure and its extension to the center of Route 247, said point being the place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAP 42.04 CHANGED FROM AN RU ZONING DISTRICT TO AN RD ZONING DISTRICT.

THE LISKO ADDITION TO THE 1987 JUSTUS DD DISTRICT.

BEGINNING at a point at the intersection of the center of Layton Road and extension of a property line common to Harold James and Richard & Cheryl Lisko; said point being approximately 400' South of Justus Corners. Then leaving Layton Road and following the Lisko/ James property line 3 courses-Northwest, Southwest, then Northwest to a common corner of Lisko/James being on the Southeasterly line of Lot "G" of a Kenneth Powell Subdivision. Then turning Northeasterly and following the Lisko/Lot "G" line to its common corner also being on the Southwesterly line of Lot "C" of this Kenneth Powell Subdivision. Then following the Lisko property line Southeast towards Layton Road and in so doing passing on a line common with the borders of Lot "C", Lot "H", Lot "D" of the Kenneth Powell Subdivision, and a property of Jan & Christina Channitski. Then by an extension of the property line of Lisko/Channitski to the center of Layton Road. Then Turning to the Southeast and following the center of said Layton Road approximately 140' to the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 92.01, 92.02, 92.03, &92.04 CHANGED FROM AN RU ZONING DISTRICT TO A DD ZONING DISTRICT.

THE JUSTUS AREA, New NB District. PARCEL 1.

BEGINNING at a point in the center of S.R. 347, said point being the intersection of the centerline with the extension of a property line common to land of Robin Peregrim & Jacquelin Zelinka and Richard & Barbara Evans; the said Peregrim/Zelinka property being formerly that of John (Jack) Lewis and said property also being a part of the business operation known as Lewis Brothers Garage and Excavating.

Then leaving Route 347 following the Peregrim-Zelinka/Evans line to a point 400' distant from the centerline of said road. From this point, and remaining 400' distant from said S.R. 347 centerline, and following and traveling on a gentle arc in the general direction of West, through the lands of the Lewis Brothers and Frances E. Govan to a point in the center of T-427A, known as Govan Road. Thence along the center of said T-427A Northwesterly then Southwesterly continuing to a point on the centerline that is once again 400' distant from the center of S.R. 347; said point being at right angles to the property of Francis J. Santarelli on the South and Doris Cantor on the North.

Then continuing on a gentle arc Southwest then Northwest through the land of Doris Canter to a point on the District Boundary Line of the 1987 DD District for Justus Corners, said point being to the rear of the Primitive Baptist Church. Then turning Southwest and following that 1987 District Boundary by its established meanderings to a point in the center of Route 347, said point being about 300' Southeast of Justus Corners. Then following the center of said road Southeasterly approximately 300' to a point and then turning at right angles and leaving S.R. 347 by passing along the line of land of Joseph Burnnetti to a point at the rear of this property, said place also being on the center of Township Road 427, this portion of that road being known as Zury Road. Then following the center of said Township Road first to the Southeast to a point in the centerline also near the home of Elmer Zury and John Sheerin, then turning at right angles and continuing to the Northeast to a point of intersection with the centerline of said S.R. 347 once again. Then following along the center of S.R. 347 by various courses and arcs to the East then Southeast to the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 92.01, 92.02, 92.03, & 92.04 CHANGED FROM AN RU ZONING DISTRICT TO AN NB ZONING DISTRICT.

THE JUSTUS AREA, New DD District. PARCEL 2.

BEGINNING at a point in the center of Route 347, said point being approximately 900' Northwest of Justus Corners. Thence continuing on the centerline of said road Northwesterly to a point in the center of the first highway bridge on said S.R. 347; thence leaving said road by a right angle to the centerline and going Northeasterly, passing in land of Timothy VonStorch to a point, said point being 400' distant from the center of Route 347. Then turning to the Southeast and remaining 400' and parallel to the center of S.R. 347, and passing in lands of VonStorch's, L. Kashuba, and E. Kashuba to a point where this 400' line intersects the property of Thomas Foy. Then following first the Thomas Foy/Edward Kashuba line then the Michael Foy/Edward Kashuba property line Southwesterly until it intersects with the boundary of the 1987 DD District for the Justus Corners Area. Then by following that 1987 District Boundary to the Northwest and back through lands of Edward Kashuba, Larry Kashuba, and the VonStorch's to a point in the center of S.R. 347, said point being the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 92.01, 92.02, 92.03, & 92.04 CHANGED FROM AN RU ZONING DISTRICT TO A DD ZONING DISTRICT.

THE MONTDALÉ AREA, New NB and DD District.

THE SWIKA ADDITION TO THE 1987 DD DISTRICT.

BEGINNING at a point in the center of S.R. 247, said point being approximately 675' North of the Montdale Corners Blinker Light and being on the Northern boundary of the 1987 DD District as it passes from West to East through land of Edward Kisel. Then going East on the boundary and through the land of Kisel to a point on the dividing line of Kisel and Dorothy Lewis and Karl Cavanaugh; Then following the Kisel/Cavanaugh line to the Northeast to an intersection with property of Joann Polichetti; said point also being the Southwestern Boundary line of a subdivision created by Frank Kucan called Windy Acres. Then turning to the Northwest and following along this common boundary of Swika and lots in Windy Acres owned by Polichetti, Nieratko, Stephen Swika Jr., and Robert Henry to a point where this boundary line does intersect the property of Stephen Novitsky. Then turning South and following the Swika/Novitsky line approximately 375' to a point in these lands, then continuing by same West to the center of S.R. 247. Then turning South and going along the centerline of said S.R. 247 to the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 72.01 & 72.03 CHANGED FROM AN RD ZONING DISTRICT TO A DD ZONING DISTRICT.

THE MONTDALE NEW NB DISTRICT.

BEGINNING at a point in the center of S.R. 247, said point being at the intersection of the extension of unopened Spring Street & said road centerline, then going Northwesterly along the center of Spring St. to its intersection with the centerline of unopened Wheeler Ave.; then along the centerline of Wheeler Avenue South to an intersection with the Northerly boundary of the Scott Valley Cemetery; said point being near the Southwesterly corner of Jack Beecroft lot having a Tax ID# of 72.03-1-4. Then continuing Southeast along the Cemetery line to a point near the Southeast corner of this same Beecroft lot, this said point being 400' distant at right angles from the center of S.R. 247. Then turning South and crossing lands of the Cemetery to a point on the line of land of David Fletcher, still being 400' distant from the center of S.R. 247. Then leaving this distance and following the Fletcher/Cemetery boundary 3 courses, Northwesterly, Southwesterly, & lastly Southeasterly to a point that is on the dividing line between Fletcher and Alinoski, said point also being once again a distance of 400' at right angles from the center of S.R. 247. Then continuing South and Southeasterly, and remaining 400' distant from the center of said S.R. 247 and another- S.R. 1029, known as Green Grove Road, by various arcs and straight lines through lands of Alinoski and Surkey to a point on the property line common to Surkey and Richard Tratthen, said point still 400' distant from the centerline of Green Grove Road.

Then continuing Northeast along the Surkey/Tratthen boundary and its extension to a point in the center of said Green Grove Road. Then turning Southeasterly and following the center of Green Grove Road to intersection with the extension of a property line common to land of Jerry Pavlick (Discount Foods, formerly Warsky's) and that of Steve Frankovsky, Jr. Then following the Pavlick/Frankovsky boundary for 2 courses- Northwesterly then generally North until the extension of this property line intersects the center of S.R. 247. Then following the center of said S.R. 247 on a gentle curve to the Southeast to a point where the extension of another lot of Jerry Pavlick (Discount Foods, formerly Warsky's) and land of William and Constance Segar do intersect with said S.R. 247 centerline. Then going Northeast and by following the Pavilck/Segar boundary 4 courses, first Northeasterly, then generally North, then Northwesterly, and finally Northeasterly to a point common to lands of Pavlick and Segar, being the corner of Lots 8 & 11 as shown on Tax Map 72.03, Block 2. Thence by following the boundaries of Lot 8 & 11 ~~Northwesterly~~ and continuing, by the Lot 11 boundary, along the rear of lots owned by Ward & Parke to a point on lands common to Warsky, Parke, and Lynn Smith. Then following the Smith/Warsky line 2 courses, generally North and then Northwesterly to a point on this boundary that is again 400' distant at right angles from the center of S.R. 247. Then continuing generally North, and remaining 400' distant from said centerline until intersecting the property line of Joseph Fent that is common to that of Warsky. Then following the Fent/Warsky boundary line Northwesterly by its extension to the center of S.R. 1017, the Chapman Lake Road, a/k/a Brown Hollow Road. Then turning Southwesterly and following the centerline of said S.R. 1017 until it intersects with the center of S.R. 247 at Montdale Corners, it being marked by a blinking traffic signal. Then turning South and continuing along the centerline of S.R. 247 until this centerline intersects with the extended centerline of unopened Spring Street, said place being the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 72.01 & 72.03 CHANGED FROM AN RU AND RD ZONING DISTRICT TO AN NB ZONING DISTRICT.

THE KRENITSKY AREA, New RD District.

BEGINNING at a point in the center of S.R. 4025, Fairview Road; said point being also on the border line of Scott and South Abington Township, thence going South along the border approximately 425' to a point, being on the border line and in property assessed to South Abington Township, also being 400' distance at a right angle from the center of said S.R. 4025 Fairview Road. Thence continuing to the Northeast and remaining 400' distance from said road centerline and passing through lands of William Stracham (17.01 & 17.02), William Roth (18), and Enrico Vitaletti (16.01) to a point on the dividing line between the property of Vitaletti and Ronald Colonna (16).

Thence following said dividing line Southeast and Northeast to a point common to lands of Vitaletti, Colonna, and Metro Krenitsky. Thence Northwest along the Colonna/Krenitsky border to a point 400' distant at a right angle from the center of Fairview Road. Thence continuing through Krenitsky lands and remaining 400' distant from said road centerline by straight lines and gentle arcs to a point on the dividing line of lands of Krenitsky and that of Marvin Miller.

Thence continuing through the lands of Marvin Miller, remaining 400' distant from said centerline, and passing to the rear of the Miller Cemetery to a point at the intersection of this 400' depth line and on a property line common to Miller and Roger Brunnett. Thence turning to the Southeast and continuing on the Miller/Brunnett line to a point in the center of Miller Road T-521, now sometimes also know as Terry Drive.

Thence following the centerline of Miller Road/Terry Drive two (2) courses, first North then Northwest until its extension intersects the centerline of Fairview Road. Thence turning Southwest and following the centerline of Fairview Road by various courses and curves, and in so doing passing intersections with S.R. 1031 Johnson Road, and 2 Township Roads known as T-534 Eastview Drive, and T-536 Westview Drive to a point common to the said road centerline and the boundary line of Scott and South Abington Townships, said point also being the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 81.04 & 82.03 CHANGED FROM AN RU ZONING DISTRICT TO An RD ZONING DISTRICT.

THE EXIT 61-62 INDUSTRIAL AREA, New ID District.

BEGINNING at a point in the center of Route 438, said point being on the extension of a property line common to Penthouse Meat Co. and Patricia Ann Uhrin. Then leaving said centerline and following the referenced property line in a Northeasterly direction to a point that is 700' at right angles to said Route 438. Then turning to the Northwest and continuing at a parallel distance of 700' from Route 438 to a point in lands of Scientific Living, Inc., Said point being on an Southerly extension of the centerline of Township Road 510, Hohensee Road, as it turns and travels North at an old farmhouse. Continuing from this point and generally Northerly direction along this extension of the centerline to a point in the actual center of T-510, thence following the center of said T-510 by its various meanderings to the North and Northeast for a distance of approximately 1 mile until this T-510 centerline intersects the center of State Route 107 about 3/4 of a mile East of Exit 62 of Interstate 81. Thence turning Eastward and following the center of Route 107 about 600' to an intersection with Township Road T-461, said point also being a place on the common border of Scott and Greenfield Townships.

Then turning to the Northwest and following the center of T-461, and said Township borderline, to a point on a bridge crossing over a branch of Tunkhannock Creek. From this point, and continuing by the various wanderings of the centerline of Tunkhannock Creek for a great distance, in the vicinity of 2 miles, Westerly, Southwesterly, and finally Southerly by many meanderings to a point on the Benton-Scott border and the corner of lands of unknown owner. In these meanderings the creek passes on, along, and through the following: (a) the border of Scott and Greenfield Townships; (b) the border of Scott And Benton Townships; (c) a concrete culvert under Route 107; (d) the proximity of the Northbound exit ramp for Exit 62; (e) a 2nd concrete culvert to pass under the mainline of I-81; and (f) continued following of the Scott-Benton Line; said point also in proximity of the Southbound Exit Ramp of I-81 at Exit 61, approximately 500' to the West of it. Then turning to the Southeast, passing through the right of way of I-81 to a point on the Easterly right of way line, this point being also on a property line common to Scientific Living, Inc. Then turning South and passing on this common line to a point where it intersects the centerline of Route 438. Then turning Eastward by various lines and arcs along the centerline of said Route 438, and passing intersections with both T-502, Lick Road, and T-510, Hohensee Road, and the front of buildings of Penthouse Meat Co. to a point in the center of said Route 438 and the extension of the Uhrin property line, said point being the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 31.03, 40.02, 40.04, 41.01, 41.03, & 51.01 CHANGED FROM AN RU AND DD ZONING DISTRICT TO AN ID ZONING DISTRICT.

THE GRZYBOWSKI AREA, New RU District.

BEGINNING at a point in the center Township Road T-488, Grzybowski Road; said point being about 600' along the center of T-488 from its intersection with the centerline of S.R. 632, Carbondale Road; said point also being on the extension of a line dividing the properties of Melvern Snyder & Storage Galore. Then by the center of T-488 curving Northwest and North to an intersection of said centerline with the common property line of James Richardson and Evelyn Richardson; then leaving the road and following the Richardson/Richardson property line about 250' to an intersection with the rear property Timothy Norton, then North on the Norton/Richardson property line until intersecting the Southwest corner of land of George Wilson; then East following the Wilson/Norton line about 300' to a point in the center of a Private Drive owned by John Grzybowski.

NOTE: This Private Drive is the only access to public roads for the Kozlosky, Gabriel, and Norton properties.

Then turning North continuing on the center of said Private Drive and its extension approximately 75' to its intersection with the center of Private Grzybowski Road.

Said Private Grzybowski Road intersects Dennis Road about 600' to the South. Dennis Road, a Township Road, provides access to the public road system at its terminus approximately 750' to the Northwest where it intersects T-488 (Township Grzybowski Road) and S.R. 632. Private Grzybowski Road when followed to the Northwest intersects T-488(Township Grzybowski Road) at another point approximately 2000' from S.R. 632.

Then going Southeast by the center of private Grzybowski Road about 280' until intersecting an extension of a property line common to Frank Karp and Eric Broody. Then leaving this private road and going Westward and following the Karp/Broody line, then continuing on the Broody/Homisak-Harvey line to an intersection with property of Gerald Frazier. Then following the Broody/Frazier lines Northwest about 33' then Southwest about 33' to a point; said point being common to lands of Broody, Frazier, and John Grzybowski. Then leaving the Frazier land following the Grzybowski/Broody line, then on the same course but leaving Broody and crossing the Private Grzybowski Drive to a point intersecting a front of line of building lots and being on a corner common to lots of Norton and Kozlosky. Then along the North border of an irregularly shaped section of the Grzybowski land as it travels on common lines with Kozlosky 3 courses- Southwest, West, then Northerly; then Westerly along the lot of Thratten to a point common to Thratten, Grzybowski and the rear of a lot owned by Budzinski; then along the Budzinski/Grzybowski line to a point, said point is common to Grzybowski, Budzinski, and land of Melvern Snyder. Then on the Grzybowski/Snyder common line 3 courses- first South, then Southeast, lastly southwest to a point common to a corner of Grzybowski/Snyder and the Northeast property line of the Storage Galore property. Then turning Northwest along the common line of Snyder/Storage Galore until its extension intersects the center of T-488, the Township Grzybowski Road, this being the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 70.02 & 70.04 CHANGED FROM A DD TO AN RU ZONING DISTRICT.

THE ZYMBLOSKY AREA, New RD District.

BEGINNING at a point in the center of S.R. 632, Carbondale Road, said point being approximately 525' East of the intersection of S.R. 632 and a Scott Township Road T-451, Workowski Road (a.k.a. Quinton Rd.) and also being on at an intersection where the extension of the Westerly Right of Way Line for an unopened proposed street known as Joseph Street (it being in a subdivision known as Waverly Heights) would meet. Thence from this first point mentioned in a Northerly direction along the said Westerly right of way line a distance of approximately 550' to a point common to this Westerly right of way line, the North right of way line of unopened Gerald Drive, and a property pin dividing lots 10 & 11 of Waverly Heights, said lots being owned by Gerald and Rita Zymblosky. Thence continuing North along the line dividing lots 10 & 11 a distance of about 258' to another property pin dividing these same lots and also being common to lands of Edward Govan.

Thence turning to the West and following the property line of lot 11 and Govan approximately 192' to its intersection with lands of The Scranton Times. Then turning to the South and following first the property line of The Times and that of Lot 11 (Zymblosky), thence in the same direction the line of The Times and that of a Lot owned by Aldo Santarelle of Peckville, a distance of approximately 850' to a point in the center of S.R. 632 where the extension of this property line would intersect said centerline. Then turning East and following the center of said S.R. 632 approximately 265' to a point where this centerline would intersect one from unopened Joseph Drive, said point being the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 71.03 CHANGED FROM A DD ZONING DISTRICT TO AN RD ZONING DISTRICT.

THE EXIT 59-60 ~~RU~~ AREA, New DD District
(Govan, Kasmierski, & Koslab Properties)

BEGINNING at a point in the center of S.R. 347, said point being approximately 700' North of its intersection with S.R. 632, Carbondale Road. Said point also being where an extension of a common property line of lands on the East side of S.R. 347 owned by Edward & Patricia Govan and William T. Hughes, Jr. and an extension of a common property line of lands on the West side of S.R. 347 owned by William H. Smith, Et Al of Chinchilla and Donald & Joan Easton, Sr. of Annandale, Va. would also intersect the centerline of said road.

Thence continuing Northward a great distance of approximately 1.23 Miles or 6500' to a point still in and along the middle of S.R. 347 and also being a on the front line of property of Frank J. Yablonsky on the East and on the West by an extension of a property line that is common to lands of Lawrence Goodfield and of Anthony & Leo Boyarsky. Then continuing going along this Goodfield/Boyarsky line Southwesterly approximately 200' to a point, said point being where this common property line intersects the a line denoting the Easterly Right of Way for Limited Access of Interstate Route 81.

Then turning to the South and following this line that makes the Easterly Right of Way for Limited Access of Interstate Route 81 for another great distance of 1.17 miles or 6200' to a point where this said Limited Access Line intersect the center of a Scott Township Road known as T-516 East, Sam's Road. Thence turning to the Southeast and following the center of Sam's Road a distance of approximately 125' to a point, said point being in the center of Sam's Road where is would intersect with an extension of a property line that is common to both M. Ronanovitch-R. Fanucci and Michael & Shirley Ronanovitch. Then by following this Ronanovitch-Fanucci/M & S Ronanovitch property line by 3 courses, first to the Northeast, then to the Southeast, then to the Northeast again to a point where the property of Michael and Shirley Ronanovitch stops and that of William H. Smith, Et al begins; thence continuing on the same course but now following the common line of Ronanovitch-Fanucci/Smith, Et al to a point, said point being at the intersection of a crossing property line of Donald & Joan Easton, Sr. of Annandale, Virginia. Then turning to the Southeast continuing on the common property line of William H. Smith Et al and that of Donald & Joan Easton, and by its extension, to a point of intersection with the center of S.R. 347, said location being the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 61.01, 61.03, 71.01, & 71.03 CHANGED FROM AN RU ZONING DISTRICT TO A DD ZONING DISTRICT.

THE BURCHERI ADDITION, New DD District.

BEGINNING at a point in the center of S.R. 1031, Johnson Road; said point also being on or near the Easterly edge of a bridge that carries Johnson Road over Interstate 81. Then following the Easterly Right of Way of Limited Access for Interstate 81, as it is also common to the Westerly boundary of this Burcheri property, in a Southwesterly direction to a corner on this Right of Way Line and the Burcheri lot, it having a tax number 70.04-2-19. Then leaving the Limited Access Right of Way Line and following the Burcheri property to the Southeast by its description to a corner, said corner being the most Southerly portion of this Burcheri lot. Then turning and following this same Burcheri Lot 19 to the Northeast along a line that is at times common to other land of Burcheri and land of Rev. Deats until intersection with the centerline of said Johnson Road. Then following the center of Johnson Road Northwesterly to the point and place of BEGINNING.

THIS DESCRIPTION CONTAINS LAND AS SHOWN ON THE LACKAWANNA COUNTY TAX MAPS 70.04 & 71.03 CHANGED FROM AN RU ZONING DISTRICT TO A DD ZONING DISTRICT.

10/13/94

Amended

TOWNSHIP OF SCOTT

LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 94-10-13

AN ORDINANCE TO AMEND THE SCOTT TOWNSHIP ZONING ORDINANCE, AS AMENDED, TO REVISE THE SCHEDULE OF USES PERMITTED WITHIN THE NB (NEIGHBORHOOD BUSINESS) DISTRICT.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Scott, Lackawanna County, Pennsylvania, as follows:

Section 1. The Scott Township Ordinance, Section 305, Use Regulations, Subsection 2, District Use Schedules, Schedule of Uses for the NB (Neighborhood Business) District, shall be amended by deleting the following uses from the schedule of uses authorized as conditional uses:

- Car Washes
- Funeral parlors
- Gasoline service stations
- Recycling facilities, small collection.

Section 2. All other sections, parts and provisions of the Scott Township Zoning Ordinance, as heretofore enacted and amended, shall remain in full force and effect.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impar the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Scott as provided by law.

DULY ORDAINED AND ENACTED the 13th day of October, 1994, by the Board of Supervisors of the Township of Scott, Lackawanna County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SCOTT
LACKAWANNA COUNTY, PENNSYLVANIA

Attest John Mileletis
Secretary

By: Michael Lisnette
Chairman
Board of Supervisors

(Township Seal)

all include any such device or operation which is accessory to another use (e.g., the incineration of animals part of a veterinary clinic).

Essential Services: Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications services and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see "semi-public building or use.")

EM 2 -- Delete the definition of *cell site* from Article II:

EM 3 -- Add *crematoriums* to the Schedule of Uses as a conditional use in the ID District.

EM 4 -- Add the following as Section 427 to Article IV:

Crematoriums

Section 427 sets standards for crematorium in order to assure compliance with state and federal standards for air emissions and disposal of remains, require all operations to be conducted entirely within a building under the supervision of a qualified operator, and otherwise protect the public health, safety and welfare. In addition to the requirements of Section 408 and all other applicable requirements of this Zoning Ordinance, the following standards shall apply to crematoriums.

Operations - All operations, including but not limited to the transfer of bodies and remains from and to vehicles and the cremation process, shall be conducted entirely within a fully enclosed building, and only when a qualified employee of the crematorium is present on the site.

State and Federal Regulations - The incineration of bodies and the disposal of remains shall comply with all local, state and federal regulations and the applicant shall provide documentation of such compliance.

Equipment and Air Emissions - All incinerators, cremators or other such devices shall meet accepted industry standards and the applicant shall provide details on the proposed equipment including the levels of air emissions and how such emissions relate to state and federal standards.

Bodies and Remains - Bodies shall not remain on the premises for more than forty-eight (48) hours and all remains shall be removed from the premises within forty-eight (48) hours of cremation.

Water Supply and Sewage Disposal - All crematoriums shall be served by an adequate potable water supply and a sewage disposal system meeting the requirements of the Township and the Pennsylvania Department of Environmental Protection.

EM 5 -- Delete *cell sites* from the Schedule of Uses for the RU, DD and ID Districts and add *commercial communications devices* (CCD) to the Schedule of Uses as a conditional use in the DD and ID Districts.

SCOTT TOWNSHIP

LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 99-5-4

AN ORDINANCE AMENDING THE SCOTT TOWNSHIP ZONING ORDINANCE TO AMEND THE STANDARDS APPLICABLE TO COMMERCIAL COMMUNICATIONS ANTENNAE; AND TO PROVIDE FOR CREMATORIA AS A CONDITIONAL USE IN THE ID-INDUSTRIAL DISTRICT AND PROVIDE STANDARDS FOR THE SAME.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Scott Township, Lackawanna County, Pennsylvania by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as enacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Scott Township Zoning Ordinance of 1987, as amended, is hereby amended as follows:

ITEM 1 -- Add or amend the following definitions in Article II:

Cemetery: Land or buildings used for the burial or interment of deceased humans or animals.

Commercial Communication Device - Any device which is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following:

1. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
2. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
3. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95, respectively, and which are less than one hundred (100) feet in height.
4. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
5. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys.

Commercial Communication Device Support Structure - Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device.

Commercial Communication Device Support Structure Height - The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

Crematorium: A furnace or establishment for the incineration of human or animal corpses. This definition

ITEM 6 – Amend Section 422 to read as follows:

22 Commercial Communication Devices

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, and other commercial antennae and associated facilities. Such CCD and support structure and associated facilities shall be permitted only in the districts as provided in this Section 422 and the Schedule of Uses.

22.1 Purposes

- 1. To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- 2. To minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- 3. To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.
- 4. To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

2.2 Permits; Use Regulations

A permit shall be required for every CCD and support structure installed at any location and the following use regulations shall apply:

Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in all Districts as an accessory use and conditional use approval shall not be required. The applicant shall provide the following information:

- 1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
- 2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
- 3. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.

New Structures and CCD Exceeding Fifteen Feet on Existing Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure

on which it is mounted shall be permitted only in DD and ID Districts and shall require conditional use approval in accord with this Section 422.

Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.

CCD as a Second Principal Use - A CCD shall be permitted on a property with an existing use subject to the following land development standards:

1. The CCD shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
4. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

2.3 Standards

Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CCD to ensure the adequacy of current service.

Co-location: New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a one (1) mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, CCD support structures of other communications companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:

1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
5. A commercially reasonable agreement could not be reached with the owners of such structures.

CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily. No CCD and support structure that is taller than this minimum height shall be approved.

Parcel Size: Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum parcel size and setbacks in this Subsection D shall apply.

1. Separate Parcel - If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet. The distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall be the largest of the following:
 - a. Thirty (30) percent of the height of the support structure and CCD.
 - b. The minimum setback in the underlying zoning district.
 - c. Forty (40) feet.
2. Lease, License or Easement - If the CCD is unmanned and the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, the lease, license or easement area shall be of such size that all required setbacks are satisfied.

CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel

Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.

Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be eight (8) feet in height.

Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

Co-location: Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide 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. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.

Licenses: Other Regulations: Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.

Access: Required Parking - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the CCD site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

Color and Lighting: FCC and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support

structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.

Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.

Historic Structures - A CCD shall 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.


Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure 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 assess 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.

Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.

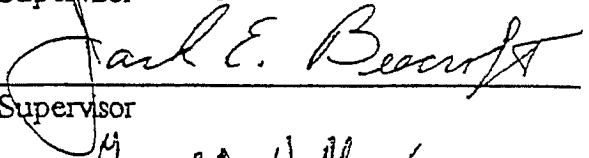
EM 7 - Add the following to Note H in the Schedule of Development Standards in Section 306:

communications device support structure accessory to a residential structure shall exceed a height of one-hundred (100) feet, and any such structure shall maintain a setback from property lines not less than the height of the structure. Any such structure which exceeds a height of one-hundred (100) feet shall be considered a commercial communications device subject to the standards of Section 422.

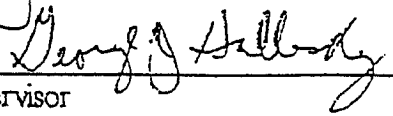
IT HEREBY ENACTED AND ORDAINED THIS 4th DAY OF MAY of 1999 by the Board of Supervisors of Scott Township, Lackawanna County, Pennsylvania.




Supervisor



Supervisor



Supervisor

TEST:

Secretary

TOWNSHIP OF SCOTT
ORDINANCE No. 00-7-21-A

AMENDING ORDINANCE NO. 87-11-F ENACTED NOVEMBER 19, 1987 ENTITLED "THE SCOTT TOWNSHIP ZONING ORDINANCE" (BY MAKING THE FOLLOWING AMENDMENTS: (1) AMENDING THE ZONING MAP BY CHANGING AN AREA OF APPROXIMATELY 37.16 ACRES OF LAND LOCATED ON TOWNSHIP ROAD (WIORKOWSKI ROAD) T-451 ADJACENT TO THE SCOTT TECHNOLOGY PARK (A COMPLETE METES AND BOUNDS DESCRIPTION IS SET FORTH HEREIN) FROM A RU/RR (RURAL DISTRICT) TO A DD (DEVELOPMENT DISTRICT)

WHEREAS, the Township of Scott is a duly ordained political subdivision (the "Township"); and

WHEREAS, the Township, on November 19, 1987, duly enacted Zoning Ordinance No. 87-11-F and has amended same (the "Zoning Ordinance") by Ordinance No. 93-9-9 adopted on September 9, 1993 and Ordinance NO. 97-4-17 adopted on April 17, 1997; and

WHEREAS, for the public good and welfare, it is in the best interest of the Township to once again amend the aforesaid Zoning Ordinance, with respect to a change in districts and boundaries on the Zoning Map.

WHEREAS, the Board of Supervisors held a public hearing on July 13, 2000, duly advertised on June 13, 2000 and June 20, 2000; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Scott Board of Supervisors, and it is hereby enacted and ordained by the authority granted to Townships under the laws of the Commonwealth of Pennsylvania, as follows:

SECTION 1: It is the purpose of this Ordinance to protect and promote the public health, safety, and welfare through regulation of lands within the geographical boundaries of the Township.

SECTION 2: The Zoning Map of the Township of Scott shall be hereby amended to reflect the rezoning of the above-listed property from RU, as referred to in the Ordinance and shown as RR on the Map, to DD, which is more particularly described as follows:

ALL that certain lot or parcel of land situate in the Township of Scott, County of Lackawanna and State of Pennsylvania bounded and described as follows, to wit:

BEGINNING at a point in the centerline of Township Road No. T-451 (Wiorkowski Road) in line of lands of Annette Arey from which the northwesterly corner of lands of William & Karen Novak bears South 39 degrees 07' 50" East distant two hundred twenty-one and seventeen hundredths (221.17) feet as shown on a plan titled "Subdivision of Lands of William and Sonia J. Novak- Lot Improvement Plan" dated May 8, 2000 and prepared by Acker Associates, Inc.;

p. 12 (

Thence along the centerline of Township Road No. T-451 along lands of Annette Arey and lands of Edward Bellan North 39° 07' 50" West eight hundred eighty-five and forty-eight hundredths (885.48') feet to a point;

Thence leaving said road along lands of unknown ownership North 51° 39' 19" East nine hundred four and eighty-nine hundredths (904.89') feet to a rebar at the intersection of stone walls;

Thence along lands of Scranton Lackawanna Industrial Building Company (SLIBCo) North 52° 50' 00" East eight hundred ninety-one and eighty-eight hundredths (891.88') feet to a point;

Thence continuing along said lands of SLIBCo North 52° 33' 00" East one hundred seventeen and sixty-five hundredths (117.65') feet to a point;

Thence along lands of Andrew Kirtack, et ux and through lands of William & Sonia Novak (Grantor, herein) South 39° 54' 40" East seven hundred ninety-two and twenty-two hundredths (792.22') feet to a point;

Thence continuing through said lands of Novak South 49° 28' 23" West one thousand nine hundred twenty-five and thirteen hundredths (1925.13') feet to the point of BEGINNING.

CONTAINING 37.16 Acres of land being the same, more or less.

BEING ALL of Lot 1 as shown on the above-mentioned plan.

SECTION 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Board of Supervisors of the Township of Scott that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid part not been included.

SECTION 4: In all other respects, Ordinance No. 87-11-F of 1987 of the Township of Scott, as amended, shall remain in full force and effect.

ENACTED this 21 day of JULY, 2000.

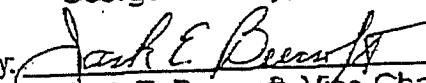
ATTEST:



Melissa Weber, Secretary

TOWNSHIP OF SCOTT
BOARD OF SUPERVISORS

By: 
George Halesky, Chairman,

By: 
Jack E. Beecroft, Vice-Chairman

By: 
Stanley Strachan

[SEAL]

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TOWNSHIP OF SCOTT
ORDINANCE No. 00- 10 - 19 - 1

AMENDING ORDINANCE NO. 87-11-F ENACTED NOVEMBER 19, 1987 ENTITLED "THE SCOTT TOWNSHIP ZONING ORDINANCE" (BY MAKING THE FOLLOWING AMENDMENT) : AMENDING THE ZONING ORDINANCE SECTION 425 ASSISTED CARE DWELLING UNIT FOR RELATIVE IN RU DISTRICTS

WHEREAS, the Township of Scott is a duly ordained political subdivision (the "Township");
and

WHEREAS, the Township, on November 19, 1987, duly enacted Zoning Ordinance No. 87-11-F and has amended same (the "Zoning Ordinance") by Ordinance No. 93-9-9 adopted on September 9, 1993 and Ordinance NO. 97-4-17 adopted on April 17, 1997; and

WHEREAS, for the public good and welfare, it is in the best interest of the Township to once again amend the aforesaid Zoning Ordinance, with respect to including Assisted Care Dwelling Unit for a Relative, section 425 of the Scott Township Zoning Ordinance.

WHEREAS, the Board of Supervisors held a public hearing on October 19 2000, duly advertised on October 4, 2000 and October 11, 2000; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Scott Board of Supervisors, and it is hereby enacted and ordained by the authority granted to Townships under the laws of the Commonwealth of Pennsylvania, as follows:

SECTION 1: It is the purpose of this Ordinance to protect and promote the public health, safety, and welfare through regulation of lands within the geographical boundaries of Scott Township.

SECTION 2: The Zoning Ordinance of the Township of Scott section 425 shall be hereby amended to reflect the inclusion of Assisted Care Dwelling Unit for Relative in "All Districts". as enumerated in the Ordinance as "Assisted Care Dwelling Unit for Relative in RU Districts.

SECTION 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Board of Supervisors of the Township of Scott that this Ordinance would have been adopted had such unconstitutional illegal, or invalid part not been included.

SECTION 5: In all other respects, Ordinance No. 87-11-F of 1987 of the Township of Scott, as amended, shall remain in full force and effect.

ENACTED this 19th day of October, 2000.

**TOWNSHIP OF SCOTT
BOARD OF SUPERVISORS**

By: George J. Halesky
George J. Halesky, Chairman

By: Jack E. Beecroft
Jack E. Beecroft, Vice-Chairman

By: Stanley E. Stracham
Stanley E. Stracham, Supervisor

Attest:
Melissa Weber

Melissa Weber, Secretary

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TOWNSHIP OF SCOTT

ORDINANCE No. ~~88~~- 01 - 01 - 25

AMENDING ORDINANCE NO. 87-11-F ENACTED NOVEMBER 19, 1987 ENTITLED "THE SCOTT TOWNSHIP ZONING ORDINANCE" BY MAKING THE FOLLOWING AMENDMENTS: (1) AMENDING THE ZONING MAP BY CHANGING AN AREA OF APPROXIMATELY 9.78 ACRES OF LAND LOCATED ON STATE ROUTE 632 ADJACENT TO THE SCOTT TECHNOLOGY PARK (A COMPLETE METES AND BOUNDS DESCRIPTION IS SET FORTH HEREIN) FROM A RU/RR (RURAL DISTRICT) TO A DD (DEVELOPMENT DISTRICT)

WHEREAS, the Township of Scott is a duly ordained political subdivision (the "Township"); and

WHEREAS, the Township, on November 19, 1987, duly enacted Zoning Ordinance No. 87-11-F and has amended same (the "Zoning Ordinance") by Ordinance No. 93-9-9 adopted on September 9, 1993 and Ordinance No. 97-4-17 adopted on April 17, 1997; and

WHEREAS, for the public good and welfare, it is in the best interest of the Township to once again amend the aforesaid Zoning Ordinance, with respect to a change in districts and boundaries on the Zoning Map.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Scott Board of Supervisors, and it is hereby enacted and ordained by the authority granted to Townships under the laws of the Commonwealth of Pennsylvania, as follows:

SECTION 1: It is the purpose of this Ordinance to protect and promote the public health, safety and welfare through regulation of lands within the geographical boundaries of the Township.

SECTION 2: The Zoning Map of the Township of Scott shall be hereby amended to reflect the zoning of the above-listed property from RD, as referred to in the Ordinance, to DD which is more particularly described as follows:

ALL that certain lot or parcel of land situate in the Township of Scott, County of Lackawanna and State of Pennsylvania bounded and described as follows, to wit:

BEGINNING at a point in the centerline of S.R. 632, the northeasterly corner of lands of Andrew Kirtack, et ux (Grantor, herein) as shown on a plan titled, "Addition of Kirtack Lands to Scott Technology Park - "Rezoning Plan" dated November 9, 2000 (revised 12/06/00) and prepared by Acker Associates, Inc.;

Thence along the original centerline of S.R. 632 South 37° 48' 15" East two hundred fifty-five and thirty-nine hundredths (255.39') feet to a point; Thence continuing along the centerline of S.R. 632 South 50° 30' 00" East two hundred two and ninety-three hundredths (202.93') feet to a point;

Thence leaving S.R. 632 along lands of William and Sonia J. Novak South 52° 21' 49" West nine hundred sixty-two and eighty-four hundredths (962.84') feet to a rebar in line of lands of Scranton Lackawanna Industrial Building Company (SLIBCO); Thence along said lands of SLIBCO North 39° 54' 40" West four hundred fifty-six and sixty-three hundredths (456.63') feet to a point in line of other lands of SLIBCO (Lot 7 Scott Technology Park);

Thence along said lands along Lot #'s 7, 8 and 9 North 52° 33' 00" East nine hundred thirty-five and four hundredths (935.04') feet to a point of BEGINNING.

CONTAINING 9.78 acres of land being the same, more or less.

BEING ALL of Lot 1 and ALL of Lot 2 as show on the plan titled Rezoning Plan prepared by Acker Associates, Inc. dated 11/09/00, Revised 12/06/00.

BEING the same premises conveyed by Leon Sarnowski, et ux to Andrew Kirtack, et ux by deed dated August 20, 1952 and recorded in the Lackawanna County Recorder of Deeds Office in Deed Book 460 Page 290.

SECTION 3: The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected hereby. It is the intention of the Board of Supervisors of the Township of Scott that this Ordinance would have been adopted has such unconstitutional, illegal, or invalid part not been included.

SECTION 4: In all other respects, Ordinance No. 87-11-F of 1987 of the Township of Scott, as amended, shall remain in full force and effect.

ENACTED this 25th day of JANUARY, 2001.

ATTEST:

Melissa Weber

Melissa Weber, Secretary

TOWNSHIP OF SCOTT
BOARD OF SUPERVISORS

By: *George J. Halesky*
George Halesky, Chairman

By: *Jack E. Beecroft*
Jack E. Beecroft, Vice-Chairman

By: *Stanley Strachan*
Stanley Strachan

SCOTT TOWNSHIP
ZONING ORDINANCE AMENDMENT
ORDINANCE 06-07-20-001 2006

SECTION I: PURPOSE

The Board of Supervisors of the Township of Scott hereby amends the Scott Township Zoning Ordinance, as follows:

1. To rescind the zoning amendment enacted May 11, 2006.
2. To create a new zone, the DD-1 Zone, Special Development Zone.
3. To rezone from DD to DD-1 the area of the Scott Technology Park, namely the area located approximately one mile east of Exit 197 of Interstate Route 81, bisected by State Route 632 and bounded as follows: On the northwest by Lackawanna County Property map parcels No. 71.02-010-003, 71.02-010-004,01, 71.04-010-003, 71.03-020-019, and 71.04-030-001; on the northeast by parcels No. 71.02-020-005, 71.02-020-005.01, 71.04-040-001 and 71.04-040-001.01; on the southeast by parcels No. 71.04-010-006 and 71.04-010-008; and on the southwest by parcels No. 82.02-020-001, 82.02-020-009, 82.01-020-005 and an unidentified parcel along Wiorkowski Road.
4. To establish the following regulations to govern the DD-1 Zone: All regulations governing the DD Zone shall apply to the DD-1 Zone, except regarding the following: The following uses that are designated as Conditional Uses shall be redesignated as Principal Permitted Uses in the DD-1 Zone: Warehousing, Light Manufacturing, and Research and Development Facilities.

SECTION II: SEVERABILITY AND REPEALER

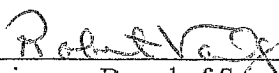
- a. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or the parts thereof, other than the part so declared to be invalid.
- b. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION III: EFFECTIVE DATE

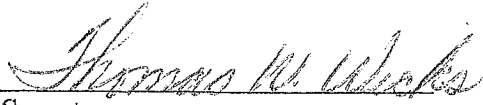
This Ordinance shall take effect at the earliest period allowed by law.

Duly presented and adopted at a regular meeting of the Board of Supervisors of the Township of Scott, Pennsylvania held on this 20th day of July, 2006.

ATTEST:



Chairman, Board of Supervisors



Secretary

**TOWNSHIP OF SCOTT
LACKAWANNA COUNTY, PENNSYLVANIA
ORDINANCE NO. 08-12-18**

**AN ORDINANCE AMENDING THE SCOTT TOWNSHIP ZONING
ORDINANCE ENACTED ON JULY 25, 2003, TO PROVIDE DEFINITIONS AND
REGULATIONS FOR RESIDENTIAL AND COMMERCIAL WINDMILLS/WIND
FARMS, RECREATING RULES AND REGULATIONS FOR SIGNS, REVISITING
REGULATIONS AND DEFINITIONS FOR TELECOMMUNICATIONS FACILITIES
AND DELETING AND AMENDING CERTAIN DEFINITIONAL TERMS AND
PROVISIONS RELATING TO SAME.**

BE IT HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of Scott Township, Lackawanna County, Pennsylvania, by authority of and pursuant to the Provisions Act of 1968, P.L. 805 No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended to date, known and cited as the "Pennsylvania Municipalities Planning Code" as well as the powers vested by virtue of the Second Class Township Code and pursuant to public hearings and due advertisement, the Scott Township Zoning Ordinance enacted July 25, 2003, is hereby amended to reflect the following:

SECTION 1. - ARTICLE II – DEFINITIONS

- a) Delete the definition of "signs", "signs and billboards", "antenna height"; "antenna and Antenna Support Structure";
- b) Add the following definitions:

Hub Height

The distance measured from the surface of the tower foundation to the height of the wind turbine hub to which the blade is attached.

Turbine Height

The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Sign

A "Sign" is a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, vehicle, equipment or other portable gear, and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court, or public office notices, nor any official traffic control device, nor shall it include the flag, emblem or insignia of a nations, state, county, municipality, school or a

religious group. A “sign” shall not include a sign located completely within an enclosed building except for illuminated or animated signs within show windows. Each display surface or a sign shall be considered to be a “sign.”

Sign, Flashing

A “flashing sign” is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance any revolving illuminated sign shall be considered a “flashing sign”. “Scrolling” or “traveling message” signs shall not be considered “flashing signs”.

Sign, Gross Surface Area

The “gross surface area” of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements, lying outside the limits of such sign and not forming an integral part of the display. The gross surface area of free standing signs shall include the area of one (1) side of such sign even if display information is included on both sides of the sign.

Sign, Outdoor Advertising

An outdoor sign or billboard which directs attention to a business, profession, commodity or entertainment conducted, sold, or offered elsewhere than upon the same lot. Under the provisions of this ordinance, outdoor advertising can be erected on the premises in any of the nonresidential districts.

Sign, Outdoor Advertising – Double Sign

A double outdoor advertising sign shall be a sign constructed with separate framing elements which are structurally connected at their sides. No half of such a double sign shall, however, exceed two-thirds of the maximum permitted gross surface area of an individual sign; and the combined gross surface area shall not exceed the maximum permitted for a single sign.

Telecommunications Antenna, Commercial

A device attached to a building, structure, or Telecommunications Tower principally intended for receipt or transmission of signals for such uses as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, lower power television or AM radio, including accessory equipment related to telecommunications. Not included are antennas for private, non-commercial and amateur purposes, including but not limited to ham radios and citizens band radios. Each separate panel of a panel type cellular antenna shall be considered one antenna for the purposes of this Ordinance.

Telecommunications Facilities, Residential

Antennas for private, noncommercial and amateur purposes, including T.V. satellite dish antennas as regulated in Section 5.955.

Telecommunications Facility Building, Commercial

The building in which electromagnetic receiving and relay equipment for a Telecommunications tower is housed.

Telecommunications Tower, Commercial

A free standing structure, such as a pole, telescoping mast, tower, tripod, or any other structure which supports a commercial telecommunications tower, including any guy wires, principally intended to support facilities for receipt or transmission of signals for uses such as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are towers and supportive structures for private, non-commercial and amateur purposes including but not limited to ham radios and citizens band radios.

Telecommunications Tower, Height Measurement

The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, the average between the highest and the lowest grades shall be used in determining the height.

Wind Farm

A facility where one (1) or more windmills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A windmill accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind farm*.

Windmill

A machine that operates on the energy generated by a series of blades or slats rotated by the wind

Windmill Height

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

SECTION 2. - ARTICLE IV- SUPPLEMENTARY REGULATIONS

- a) Delete section 412.1 through 412.14, in their entirety, regarding sign regulations.
- b) Add 412, as follows:

412 Signs

412.1 Signs in All Districts. The following types of non-illuminated, non-advertising signs are permitted in all Districts as follows:

- a) Nameplates and Identification Signs
 - 1. Signs indicating the name or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two (2) square feet in area. Only one such sign per dwelling unit shall be permitted except in the case of corner lots where two such signs (one facing each street) shall be permitted for each dwelling unit.
 - 2. For buildings other than dwellings a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the building and the name of the management may be displayed provided that on a corner lot two such signs (one facing each street) shall be permitted.
- b) Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental may be erected or maintained, provided:
 - 1. The size of any such sign is not in excess of six (6) square feet; and
 - 2. Not more than two (2) signs are placed upon any property unless such property fronts upon more than one street, in which event two (2) more signs may be erected on each additional frontage.
 - 3. Signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.

- c) Institutional Signs. Signs of schools, college, churches, hospitals, sanatoria, or other institutions of a similar public or semi-public nature may be erected and maintained, provided:
1. The size of any such sign is not in excess of 32 square feet; and
 2. Not more than one (1) such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.
- d) Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet shall be permitted for each direction of traffic flow. One sign per parking area designating the conditions of use and identity of such parking area and limited to a maximum size of nine (9) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.
- e) Development Signs. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other persons interested in such sale or development, may be erected and maintained, provided:
1. The size of any sign is not in excess of 12 sq. ft.
 2. Not more than two (2) signs are placed upon any property, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on each frontage; and
 3. Any such signs except signs identifying the development shall be removed by the developer within fourteen (14) days of the final sale of property.
- f) Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
1. The size of any such sign is not in excess of six (6) square, and not in excess of four (4) feet in length; and
 2. Not more than one such sign is erected on each five hundred (500) feet of street frontage.

- g) Artisans' Signs. 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.
- h) Private Driveways. Signs indicating the private nature of a driveway, or trespassing sign, provided that the size of any such sign shall not exceed two (2) square feet.
- i) Height and Projection of Signs. No sign in an RD or RU District shall project into the public way or project higher than one story or twenty (20) feet, whichever is lower.

412.2 Signs in "DD", "NB" and "ID" Districts. Business signs shall be permitted as follows:

- a. Size of Signs. (Detached). No detached sign shall have a gross surface of more than 100 sq. ft. in any "DD" and "NB" District or 150 sq. ft. in any "ID" District.
- b. Size of Signs. (Attached). No attached sign shall have a gross surface area in excess of 20 percent of the building side on which it is attached.
- c. Location of Signs. In any "DD" and "NB" District, all signs shall be securely attached to a building. Free-standing signs shall be permitted in "DD", "NB" and "ID" Districts only, provided that no such sign shall be nearer to any property line than the height of such sign, but in no case less than twenty (20) feet.
- d. Illumination of Signs. Flashing signs are prohibited. Revolving illuminated signs shall be considered as a Special Exception permitted in "ID" Districts provided that such signs shall not create any traffic hazard, or abut or face any residential property or any residential zone lot. Stationary illuminated signs are permitted in "DD", "NB" and "ID" Districts only.
- e. Portable signs. Portable signs other than temporary artisans signs are prohibited; provided, however, that portable signs shall be permitted only on a temporary basis, for a period of not more than one (1) month; provided, further, that, upon written application such temporary permit for a portable sign may be extended by the Zoning Officer, for cause, for a period of not more than one (1) additional month.
- f. Nothing herein contained shall prevent:
 - 1) The owner, occupant or lessee of a business or profession located in Scott Township without direct access to Routes 107, 247, 347, 438, 524, 632 or I-81

may erect two (2) signs in the Township directing the public to such business or profession. One (1) sign shall not have a surface area of more than ten (10) square feet, and the second sign shall not have a surface area of more than four (4) square feet. Such signs shall be permitted only in Commercial (DD) and Manufacturing Districts (ID) and shall include only the name of the business or profession and directions thereto. This Section shall not apply to home occupations which shall be limited to the sign permitted in Section 5.462 (See also Section 5.963).

- 2) In any "DD", "NB" or "ID" District, the installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two (2) or more roads advertising one (1) or more businesses and directional arrows thereto. An individual sign on this board advertising a single business shall not exceed a surface area of ten (10) square feet and shall be uniform with other signs on the sign board. Evidence of the ownership and proposed maintenance of such directory shall be submitted with permit application.
- 3) Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, provided:
 - a) The size of such sign is not in excess of twelve (12) square feet;
 - b) Not more than two (2) signs are placed upon any property unless such property front upon more than one (1) street, in which event two (2) such signs may be erected on each frontage;
 - c) Such sign is not illuminated.

412.3 Outdoor Advertising. Outdoor advertisements (billboards) are only permitted as Special Exceptions in "ID" Zones only.

- a. No outdoor advertisement shall be permitted within three hundred (300) feet of any residential district, nor facing any public or parochial school, library, church, hospital or similar institutional use, if closer than two hundred (200) feet.
- b. No two outdoor advertisements shall be located closer to one another than two-thousand (2000) feet. Double outdoor advertising signs shall be treated as a single sign regarding this restriction governing the minimum distance between signs.
- c. Outdoor advertisements shall conform with all yard spaces required for the district in which they are located.
- d. No billboard shall exceed three hundred (300) square feet in surface area; and

no advertising face shall exceed fifteen (15) feet in vertical measurement or thirty (30) feet in horizontal measurement.

e. No outdoor advertising sign shall be nearer to any property line than the height of such sign, but in no case less than 25 feet.

f. Such signs shall not be illuminated in a manner which will create a traffic hazard nor shall it abut or face a residential property or a residential zone.

g. A billboard may only be erected on a lot or parcel of property which fronts on a state road.

h. No billboard shall exceed a height of thirty (30) feet as measured from the elevation of the public road immediately adjacent to the billboard to the highest part of the billboard.

i. All billboards shall maintain a side yard setback of not less than twenty-five (25) feet; and shall be located not less than twenty-five (25) feet, nor more than seventy-five (75) feet, from the adjoining public road right-of-way line.

j. No billboard shall be attached to or erected on any other structure.

412.4 General Regulations. The following regulations shall apply to all permitted signs:

a. Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

b. Wall Signs. Display signs placed against the exterior walls of buildings or structures shall not extend more than 15 inches out from the wall surface. Wall signs exceeding forty (40) square feet in area shall be of noncombustible material.

c. Projecting Signs. Attached signs shall not project from any building more than three (3) feet in the direction of a public street or public walk-way area nor shall any such sign extend over a public street or walk-way area. A clear space of not less than ten (10) feet shall be provided below all parts of projecting signs. Projecting signs exceeding forty (40) square feet in area shall be made of noncombustible material.

d. Height of Signs. No sign except a free-standing sign shall be higher than the building on which such sign is located nor shall any sign be located upon the roof of any building; provided, however, that a business sign may be affixed to a parapet. No free-standing sign shall extend more than thirty (30) feet above the mean ground level where it is located.

e. Permits (Building) for Signs. Building permits shall be required for all signs except temporary political signs, signs provided for in Subsection 5.971 and other

accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.

f. Fees. Fees for all signs requiring permits shall be in accordance with Section 9.600 hereof; provided, however, that no fee shall be charged for the erection of a sign necessary to the public welfare. Fees for all other signs shall be in accordance with Section 9.600 hereof.

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

SECTION 3. -ARTICLE IV- "REGULATIONS FOR COMMUNICATIONS/ RECEPTION ANTENNA"

- a) Delete section 422 in its entirety, including heading, regarding communications antennas.
- b) Add Section 422 entitled "Telecommunications Facilities" as follows:

422 – Telecommunications Facilities

422.1 Purposes

- a. To accommodate the need for cellular phone and similar antennae while regulating their location and number in the Township in recognition of the quasi-public nature of cellular phone systems.
- b. To minimize the adverse visual effects of antennae and antennae support structures through proper design, siting and vegetative screening.
- c. To avoid potential damage to adjacent properties from antennae support structure failure and falling ice, through engineering and proper siting of antennae support structures.
- d. To encourage the joint use of any new antennae support structures and to reduce the number of such structures needed in the future.

422.2 Conditions That Apply to the Location of All Telecommunications Towers and Telecommunications Facility Building.

Telecommunications Towers and Telecommunications Facility Buildings are conditional uses in RU, DD and ID zoning districts

a. All applications for the location of Telecommunications Towers and Telecommunications Facility Buildings are subject to the requirements of the Scott Township Subdivision and Land Development Ordinance, and are subject to the site Plan Review by the Planning Commission and Approval by the Board of Supervisors.

b. The Telecommunications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended.

c. A soil report complying with the standards of Appendix I, Geotechnical Investigations, ANSI/EIA-222-E manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the Telecommunications Tower, and anchors for the guy wires if used.

1. Telecommunications Towers shall be designed to withstand wind gusts of at least 100 miles per hour.

2. The applicant for the placement of a Telecommunications Tower shall be required to submit to the Township evidence of the need for the Telecommunications Tower and that the applicant has exhausted all alternatives to constructing a Telecommunications Tower. Applicants are required to prove need by:

i. Demonstrating via written evidence that, in terms of location and construction, there are no existing towers, Telecommunications Towers, buildings, structures, elevated tanks or similar uses able to provide the platform for the Telecommunications Antenna; and,

ii. Providing evidence, including coverage diagrams and technical reports, demonstrating that co-location on existing Telecommunications Towers is not technically possible in order to serve the desired need. Co-location is not possible if:

1. Planned equipment would exceed the structural capacity of existing Telecommunications Towers within the Township, considering existing and planned use of those Telecommunications Towers, and existing Telecommunications Towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or

2. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for the Telecommunications Tower, and the interference cannot be prevented at a reasonable cost; or
3. Existing or approved Telecommunications Towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; or
4. Other reasons make it impractical to place the equipment planned by the applicant on existing and approved Telecommunications Towers.

d. Telecommunications Towers shall not be closer than five hundred (500) feet to another Telecommunications Tower, such distance being measured as a horizontal from tower to tower.

e. Telecommunications Towers shall be subject to a minimum setback from all overhead electric transmissions lines of a distance equaling the height of the tower.

f. The applicant shall present documentation that the Telecommunications Tower is designed in accordance with all applicable state and federal regulations. Except as required by the Federal Aviation Administration, or other Federal or state agencies, no Telecommunications Tower may use artificial lighting or strobe lighting at night.

- a. An applicant for a Zoning Permit for a Telecommunications Tower, shall:
 - i. Execute an agreement with the Township, in a form legally sufficient to the Township, requiring the removal of the tower within one (1) year after the tower ceases to function as such;
 - ii. Agree to erect a tower with sufficient capacity to accommodate not less than two (2) antennas in addition to their own;
 - iii. Agree to rent or sell such additional capacity to another developer that requires antennae space to serve a similar purpose;
 - iv. Agree to submit to binding arbitration and to share the costs of such arbitration equally with the other parties desiring space on the subject tower in the event that the developer and the other party do not reach an acceptable settlement within thirty (30) days of notification to the Township; and, the tower developer shall be responsible for prompt reporting of an offer within five (5) days thereof.

- b. Except when located on the roof of a building, a security fence, of approved design, of not less than eight (8) feet, and no greater than ten (10) feet, shall completely enclose the Telecommunications Tower. A fence of not less than eight (8) feet and no greater than ten (10) shall also completely enclose the anchored locations of guy wires, if used. This fencing shall be designed to be compatible with surrounding land use.
- c. Except when located on the roof of a building, the applicant shall submit a landscaping plan. Sites in which Telecommunications towers are located shall be required to comply with the following landscaping requirements:
 - i. Landscaping and planting of an approved design shall be provided for a depth of ten (10) feet along all public rights-of-way abutting the lot where the Telecommunications Tower is located. This requirement may be waived by the Zoning Hearing Board, provided that there is existing acceptable vegetation along the public right-of-way abutting the lot.
 - ii. Landscaping, consisting of trees and shrubs, shall be required at the perimeter of the security fences and the Telecommunications Facility Building. Evergreen trees of ten (10) feet height at planting, and growth of a minimum of fifty (50) feet at maturity, shall be planted a maximum of fifteen (15) feet from each other around the perimeter of the security fence. Areas between the trees shall be interspersed with approved shrubbery planting of a height of not less than five (5) feet.
 - iii. Landscaping, consisting of approved evergreen trees of ten (10) feet height of planting, at a maximum of fifteen (15) feet from each other shall be required along all property lines abutting an existing residence, school, park or church. This requirement may be waived by the Zoning Hearing Board provided the abutting property owner(s) submit in writing to the Township that they are waiving their right to this landscaping, or the Zoning Hearing Board may waive this requirement if there is existing acceptable vegetation along the property lines.
- d. A minimum of two (2) parking spaces shall be required. Spaces shall meet the applicable requirements of this Ordinance.
- e. Telecommunications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
- f. The Telecommunications Facility Buildings shall be identified as Accessory Buildings, and the applicable regulations for the host zoning district shall apply.

- g. Guy wires, if utilized, must be anchored no closer than twenty-five (25) feet from any property line. Guy wires shall not cross or encroach any overhead telephone electric power lines.
- h. Tower height shall be measured from the top of the foundation to the top point of the tower or the top point of the Telecommunications Antenna, whichever is higher.
- i. Internal access to the Telecommunications tower shall be provided by a minimum twelve (12) foot width cartway with a durable and dustless surface, such as concrete or a bituminous concrete surface for a minimum of fifty (50) feet from any public or private street. The length of the cartway beyond this fifty (50) feet shall, at a minimum, be surfaced with a durable and dustless gravel surface. The vehicular access to the Telecommunications Tower and Telecommunications Facility Building, shall, whenever feasible, be provided along existing circulation driveways.
- j. Setbacks: Telecommunications Towers shall be required to be set back from adjacent property lines a minimum of one and one-half (1.5) times the height of the Telecommunications Tower. Such distance shall be measured in a straight line from the Telecommunications Tower to the property line. This setback shall be increased if a zoning district with a higher setback requirement abuts the property in which the Telecommunications Tower is located. In that situation, the largest setback requirement shall apply.
- k. A Telecommunications Tower shall be no higher than two hundred (200) feet.
- l. There shall be no more than one Telecommunications Tower on one lot.

422.3 Conditions on the Location and Placement of Telecommunications Antennas

Telecommunications Antennas may be attached to any nonresidential building or structure as long as the nonresidential building or structure is a permitted use in the district, including but not limited to, a church, a municipal or governmental building or facility, a building owned by a church, a municipal or governmental building or facility, a building owned by a utility, or a Telecommunications Tower. Subdivision and Land Development Review is not required by the Planning Commission or the Governing Body for the location of Telecommunications Antennas on a building. The following conditions shall be met:

- a. No more than one (1) Telecommunications Antenna may be attached to any nonresidential building as a Permitted Use. A permit for one (1) Telecommunications Antenna on one building may be issued by the Zoning Officer after a review of the requirements stated in this Section.

b. The location of two (2) or more Telecommunications antennas on any nonresidential building shall be considered as a Special Exception in all districts. There shall be a minimum distance equal to the height of the Telecommunications Antenna located on a nonresidential building and the location of any additional Telecommunications Antennas.

c. The location of one (1) or more Telecommunications Antennas on any non-occupied structure, such as a Telecommunications Tower, a water and, or an observation tower shall be considered as a Principal Permitted Use. Permit(s) for Telecommunications Antenna on non-occupied structures may be issued by the Zoning Officer after a review of the requirements stated in this Section. Subdivision and Land Development Review is not required by the Planning Commission or the Board of Supervisors for the location of Telecommunications Antenna on a non-occupied structure.

d. Height Limits for Telecommunications antennas: not to exceed 20 feet above the structure or building on which it is located.

e. The top point height of any Telecommunications Antennas located on a Telecommunications Tower shall not exceed the height requirements for Telecommunications Towers stated in this Ordinance.

f. Setback: Telecommunications Antennas located on buildings and structures shall be required to be set back from all property lines a minimum of the front yard setback requirement of the host district plus the height of the Telecommunications Antenna.

422.4 Telecommunications Towers and Telecommunications Antennas that are Related to the Operations of a Principal Use on the Same Lot

The following regulations shall apply to Telecommunications Towers and Telecommunications Antennas that are related to the operations of a principal use in any zoning district:

a. No subdivision of land shall be required for the placement of a Telecommunications Tower on any lot where the use of that Telecommunications Tower relates to the operations of a principal use on that lot.

b. Telecommunications Antennas located on any building or structure where the use of that Telecommunications Antenna relates to the operations of a principal use on that building or structure shall be considered as Principal Permitted Uses in all zoning districts where they are authorized, and shall not require Site Plan and Land Development Approval from the Governing Body.

422.5 Exclusion of Residential Television and Radio Antennas from Height Regulations

The height regulations prescribed herein shall not apply to residential T.V. and radio antennas.

422.6 T.V. Satellite Dish Antennas and Other Antennas

- a. Purpose. The following regulations governing antennas are designed to protect the aesthetic environment of the vicinity where they are to be located as well as to protect the public health, safety and welfare. The provisions of this Ordinance shall not apply to a T.V. Satellite Dish Antennas and other Antennas having a diameter of 36 inches or less.
- b. Permit Requirements. A special Satellite Reception Permit shall be required only for specific situations described below in Sections below.
- c. Allowed Locations. In DD and NB Districts and ID Districts they shall be allowed only in rear yards; provided, however, that they may be located in front yards or side yards if they are effectively screened from public view and from the view of adjacent properties. In R-Districts they shall be limited to the rear yard. If the applicant adequately documents that reception is infeasible in the rear yard they may be located in any side yard. If, however, reception is infeasible in either of these areas, they may be located in the front yard or on the roof of the building to which they are appurtenant. If they are to be located in the front yard or on the roof of the building, a special Satellite Reception Permit shall be required as specified in Section above.
- d. Size and Height. In DD and NB Districts and ID Districts, there shall be no restrictions regarding their size or height. In all R-Districts, however, except as otherwise provided herein, they shall not exceed a diameter of 12 feet or a height of 15 feet. However, where such height and/or size restrictions preclude the feasibility of reception, these dimensions may be exceeded, but a special Satellite Reception Permit shall be required.
- e. Additional Requirements.
 1. Except in a DD and NB Districts and ID Districts, satellite television antennas shall be located and designed (to the extent reasonably feasible) to reduce visual impact on surrounding properties.
 2. Antennas shall meet all manufacturers' specifications, be of noncombustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.

3. Every antenna must be adequately grounded for protection against a direct strike of lightening.
4. Every antenna shall be effectively screened from the adjoining premises and/or public right-of-way.

SECTION 4. - ARTICLE IV ADD SECTION 427 ENTITLED "WIND FARMS AND WINDMILLS" AS FOLLOWS:

427 Wind Farms and Windmills

427.1 Purpose

- a. The purpose of these regulations is to enable the Township to regulate wind farms with the Township, to encourage the siting of wind farms in non-residential areas, to address the safety, visual and aesthetic aspects of such facilities, and to provide for public input in the process of siting wind farms.
- b. The Township Supervisors has determined that such regulation is needed to protect schools, parks, churches, playgrounds, sites, and structures; to preserve scenic areas; to minimize aesthetic impacts; to preserve the health and safety of residents; and to respect the need of wind farm developers to provide for suitable sites, while not unreasonably limiting competition among them.
- c. The Township Supervisors declare that the protection of residential dwellings is of paramount importance and that any local regulations of wind farms must furnish all possible protection for residential areas and further declares that these regulations are to be interpreted to a favor protection of residential dwellings. The Township shall, before issuing a permit for any wind farms affecting a dwelling, satisfy itself that all other alternatives have been exhausted.

427.2 Location, Applicability, Exemption

- a. Wind farms shall be permitted only as Conditional Uses in the RU
- b. In addition to the requirements of this Ordinance wind farms shall be subject to all other applicable local, state and federal requirements.
- c. A windmill accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall be permitted in all zones as a Principal Permitted Accessory Use on a parcel of not less than one (1) acre.

- d. On-site transmission and power lines between wind turbines shall, to the maximum extent possible, be placed underground.

427.3 Permit, Procedure, Fees, Temporary Permit

- a. Permits – A zoning permit as well as a building permit shall be required for every wind farm and each individual windmill installed at any location in the Township.
- b. Procedure, Public Hearing – In accordance with the procedures for Conditional Uses, as provided herein, the Township Supervisors shall refer all such applications to the Township Planning Commission for their review and comment, and shall conduct a public hearing pursuant to public notice within forty-five (45) days after the submission of a formal, complete application, including such technical information from the applicant as may be required by this Ordinance. Accessory windmills shall be reviewed and approved by the Zoning Hearing Board in accordance with the procedures for Special Exceptions.
 - 1. The hearing notice shall indicate that the application may be examined and that further information is available at the Township Secretary's office during regular business hours.
 - 2. The Township Supervisors shall approve, approve with conditions, or disapprove the application under the provisions of this Ordinance within sixty (60) days after a public hearing.
 - 3. The period in which the Township Council shall take action may be extended with the written consent of the applicant.
- c. Planning Commission Review – Planning Commission comments, if any, shall be provided to the Township Supervisors within thirty (30) days of the Commission's receipt of the application.
- d. Application Fees, Review Fees – The applicant shall pay the application fee for the wind farm and each windmill as established by resolution of the Township Supervisors. In addition, the applicant shall pay all professional costs incurred by the Township for review of structural, radio frequency and other technical aspects of the proposal and shall deposit with the Township an amount deemed adequate by the Township Supervisors to cover the anticipated costs. If the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the applicant. No approval shall become effective until all costs have been paid by the applicant.

- e. Temporary Permit for Site Evaluation – The Township may issue a temporary permit for the erection of a tower and necessary equipment on a site to determine if it has adequate wind for cost-effective wind farm development. The requirements of this Ordinance shall apply to such structures; however, the Township Supervisors may waive those requirements which are not applicable to the temporary facility or which are not necessary to protect the public health, safety and welfare.

427.4 Site Plan, Information Requirements, Notice, Consent

- a. Land Development and Site Plan – A full site plan shall be required for all wind farm sites showing all information required to determine compliance with this Ordinance. New windmills and/or the construction of any equipment building or other roofed structure which have a combined gross flow area of greater than one hundred (100) square feet shall be considered a land development subject to the Township’s Subdivision and Land Development Ordinance.
- b. Information Requirements - For all proposed wind farms, in addition to the information required by other Township Ordinances, the following minimum information shall be provided. Items 10 through 15 shall be included in a report prepared by a registered professional engineer or other professional deemed qualified by the Township. The Township shall require any additional information deemed necessary to determine compliance with this Ordinance.
 - 1. Name and address of the property owner and the applicant.
 - 2. Address, lot and block and/or parcel number of the property.
 - 3. Name and address of person preparing the plan.
 - 4. Size of the property and location of all lot lines.
 - 5. Approximate location of the nearest residential structure.
 - 6. Approximate location of nearest occupied structure.
 - 7. Location of all structures on the property which is the subject of the application.
 - 8. Location, size and height of all proposed and existing antennas and all appurtenant structures on the property.
 - 9. Type, size and location of all proposed landscaping and fences.
 - 10. A report by a Pennsylvania registered and licensed professional engineer, documenting compliance with applicable structural standards and describing the general structural capacity of any proposed installation.
 - 11. The number and type of windmills and other structures proposed.
 - 12. A description of the proposed windmills and all related fixtures, structures, appurtenances and apparatus, including height above grade, materials, color and lighting.
 - 13. A description of the noise generated by the windmills.

14. The make, model and manufacturer of any proposed windmill.
15. Generator capacity of the turbines.
16. A visual analysis of the wind farm as seen from public viewing points in the Township.
17. Wind speed maps.
18. Maps of migratory bird routes.
19. Information on the bat population in the area.

- c. Existing and Planned Facilities – The applicant shall provide details about the location, height and operational characteristics of all existing facilities of the applicant in and immediately adjacent to the Township. The applicant shall also provide a five-year plan for the provision of additional facilities in and immediately adjacent to the Township showing proposed general locations or areas in which additional facilities are planned. Subsequent applications shall confirm or modify the facility service plan, so that the Township will be kept up to date on future activities.
- d. Operational Compliance – Within ninety (90) days of operating any wind farm, the owner or operator shall submit to the Township a written certification by a Pennsylvania registered and licensed professional that the wind farm complies with this ordinance and all other applicable government regulations.
- e. Change in Ownership/Operation – If the name or address of the owner or operator of the wind farm is changed, the Township shall be notified of the change within ninety (90) days.
- f. Associated Uses – All other uses ancillary to the wind farm (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the wind farm site, unless otherwise permitted by Township ordinances. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farms.

427.5 Requirements Applicable to all Wind Farms and Windmills

The following requirements shall apply to all wind farms and windmills:

- a. Location Requirement and Number - The Applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the wind farm and windmills must go where proposed in order to function to industry standards.
- b. Windmill Height Design
 1. Minimum Height - The applicant shall demonstrate that the windmills are constructed to a height no greater than the minimum required to

function to industry standards. The wind farm shall comply with any applicable Airport Hazard Zoning Ordinance.

2. Blade Height - The minimum height between any windmill blade and the ground shall not be less than Twenty Four (24) feet.
 3. Visual Impact - The applicant shall provide to the Township graphic information that accurately portrays the visual impact of the proposed wind farm and individual windmills from various vantage points selected by the Township, such as, but not limited to key roads and recreation areas. This graphic information may be provided in the form of photographs or computer-generated images with the windmills superimposed, as may be required by the Township. The Township may require the applicant to conduct a balloon test to confirm the visual impact. The Township may require specific colors, consistent with applicable federal regulations, to ensure that the wind farm is compatible with the surrounding landscape.
- c. Controls and Braking. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and similar systems) and mechanical brakes. Mechanical brakes **shall be** operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- d. Climb Protection/Locks.
1. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
 2. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- e. Noise and Shadow Flicker
1. Audible sound from a wind energy facility shall not exceed 55 DBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Minimum standards for measurement shall be in accordance with "Procedures for Measurement and Reporting of Acoustic Emissions from Turbine Generation Systems, Volume 1: First Tier."
 2. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
- f. Signal Interference The applicant shall make reasonable efforts to to avoid any disruption or loss of radio, telephone, television, or similar signals, and shall mitigate any harm caused by the wind energy facility.
- g. Setbacks - The following minimum setbacks shall apply.
1. Separate Parcel- If the parcel on which the wind farm is a separate and distinct parcel, the required minimum lot size shall apply; and, in all cases,

the lot shall be of such size that all required setbacks are satisfied.

2. Lease, License or Easement - If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no windmill, including the blades, shall be located closer to any property line (not lease, license or easement line) than its height plus thirty (30) feet.

3. Setbacks from Occupied Buildings

- a. Wind turbines shall be set back from the nearest occupied building a distance not less than the required setback for the zone district, or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- b. Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than five (5) times the Hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

4. Setback From Other Structures No windmill shall be nearer to an occupied structure than five (5) times the height of the windmill at the height of its highest blade level; provided, however, no windmill shall be located less than one thousand (1,000) feet from any principal residential structure existing prior to the erection of the windmill, whichever distance is greater. Individual, accessory windmills are exempt from this setback requirement.

5. Setback From Property Lines. All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirement of the zone where it is located or 1.1 times the turbine height, whichever is greater, as measured to the center of the wind turbine base.

h. Access: Travel Route: Road Bond

1. Access to the wind farm shall be provided by means of a public street or easement to a public street. All access easements shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a durable, dust-free, all weather surface. No access easement shall exceed a grade of fifteen (15) percent.
2. The applicant shall provide a route of travel plan detailing which roads through the Township will be used to access the wind farm during construction and for any maintenance activities requiring the use of heavy trucks.
3. The Township may require a bond, letter of credit or other financial guarantee to ensure that any damage to Township roads caused by the construction or operation of the wind farm is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township

roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

- i. Parking: - If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift.
- j. Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania Registered Professional Engineer that all windmills will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania Registered Professional Engineer that the wind farm and all structures comply with all applicable regulations.
- k. Wind Farm as a Second Principal Use - A wind farm shall be permitted on a property with an existing use subject to the following standards:
 - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm and support structure shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - 2. The vehicular access to the wind farm shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - 3. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.
- l. Licenses: Other Regulations - The applicant shall demonstrate that the required permits and licenses from the Federal Energy Regulatory Commission, the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Commission, and other agencies have been obtained. The applicant shall also document compliance with all applicable state and federal regulations by providing to the Township with copies of all required documents, studies, and responses (e.g., National Environmental Policy Act, Pennsylvania Natural Diversity Index submission, Pennsylvania Historical and Museum Commission compliance.)
- m. Insurance - The applicant shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the wind farm and all its facilities. The applicant shall provide the Township with proof of annual renewal prior to expiration.
- n. Discontinued Use - If the use of any wind farm and/or windmill is discontinued, the owner or operator or then owner of the land on which the wind farm and/or windmill is located shall be required to remove the same within ninety (90) days from the abandonment of use. Failure to do so shall authorize the Township to remove the

facility, including foundations to a minimum of four (4) feet below grade, and assess the cost of removal to the foregoing parties. In addition, at the time of permit issuance for any wind farm the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of their Solicitor, to guarantee the removal of the wind farm and/or windmill. If such guarantee is inadequate, the Township shall be authorized to use all means provided in law, including a municipal lien, to recover all costs of removal.

- o. Noise - The Applicant shall provide details on the noise generation of the types of windmills proposed. The noise associated with the operation of the wind farm (as opposed to noise during construction) shall not exceed fifty (50) dBA (A-weighted sound level in decibels) when measured at the property line of the wind farm.
- p. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- q. Vibration - No vibration associated with the operation of the wind farm shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness.
- r. Signs; Lighting; FAA and PA DOT Notice
 - 1. No signs or lights shall be mounted on any windmill except as may be required by this Ordinance, the Federal Aviation Administration, or other governmental agency which has jurisdiction.
 - 2. No windmill shall be artificially lighted, except as required by the Federal Aviation Administration or for security purposes approved as part of the zoning permit. No approved security light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source. No direct or sky-reflected glare, whether from overhead lighting or floodlights shall be permitted.
 - 3. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation; and, the wind farm and support structure shall comply with all FAA and PA DOT requirements.
- s. Fencing - A fence may be required around each windmill support structure and other equipment unless the Applicant documents that the structures will otherwise be secured from public access. If required, the fence shall be a minimum of eight (8) feet in height.
- t. Landscaping
 - 1. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
 - 2. Landscaping installation and maintenance may be required to screen as much of the windmills as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the windmills and other structures from neighboring properties and the sight lines from prominent viewing locations.

3. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.
- u. Soil Erosion and Sedimentation Control; Stormwater Management - All earth disturbance shall comply with the soil erosion and sedimentation control requirements of the Lackawanna County Conservation District and the Pennsylvania Department of Environmental Protection; and, no approval shall be granted under this ordinance until the Applicant provides a copy of the approved soil erosion and sedimentation control plan and any required permits. A stormwater control plan and storm water management facilities shall be provided in accord with the Township's stormwater management requirements.
- v. Fire Control Plan - The applicant shall provide a fire control plan including details about any fire suppression system proposed for any windmill or structure. The plan shall be provided to the applicable fire company for review and comment.
- w. Maintenance: Identification: Notice of Problems - Wind farm maintenance and continued compliance with this Ordinance shall be monitored by the Township Zoning Officer. There shall be affixed to the windmill or security fence in an accessible, visible place the name and mailing address of the owner(s) and a 24-hour emergency telephone number. This information shall be kept current by the owner(s). The Zoning Officer shall inform the owner(s) of any safety problems, maintenance problems or any matter relative to the wind farm in accordance with the enforcement requirements of this Ordinance, sent to the posted address. If the problem outlined in the letter from the Zoning Officer is not resolved within thirty (30) days of receipt of notice, or within such other period as allowed in writing by the Enforcement Officer, this shall constitute a violation of the Ordinance. An unresolved violation shall constitute grounds for revoking the windmill permit.
- x. Mitigation Plan - The Applicant shall provide for approval of the Township, a plan for how complaints about noise, communications interference and vibration will be addressed by the operator of the wind farm.

SECTION 5. – SEVERABILITY

The provisions of this Ordinance are deemed severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid for whatever reasons, the remaining provisions shall be unaffected and shall remain in full force and effect. Only those provisions which are deemed unconstitutional, illegal or invalid shall be stricken.

SECTION 6. – REMAINING PROVISIONS

All remaining terms and conditions and provisions of the Scott Township Zoning Ordinance of July 25, 2003, as may be amended, shall remain in full force and effect and shall not be otherwise affected except for those provisions reflected herein.

SECTION 7. – EFFECTIVE DATE

This Ordinance shall take effect within five (5) days from the date enacted herein.