

**ARTICLE XIII**  
**Open Space and Recreation “O” District**

**SECTION 1301: Introduction to Open Space and Recreation "O" Zone.**

- § 130101 The open space and recreation district is designed to reserve greenbelts throughout the township as usable public and common open space for permanent recreational sites as the township experiences growth.
- § 130102 Open space and recreation zones are designated on environmentally vulnerable land such as steeply sloping land, marshland, waterways, or conservation lands.
- § 130103 The recreational districts shall be oriented toward (in open space planning and acquisition activities) recreational opportunities such as parklands for various activities including miscellaneous open field games, swimming, hiking, picnicking, boating, etc.

**SECTION 1302 Permitted Uses in Open Space “O” Zone.**

- § 130201 The following is a list of permitted uses in the Open Space and Recreation “O” District.
- a. Waterways impoundments to be used for the following recreational purposes,
    - (1) Boating,
    - (2) Fishing,
    - (3) Canoeing and sail boating,
    - (4) Swimming beaches
  - b. Camp lodges, camping areas
  - c. Open spaces for informal play of outdoor games,
  - d. Comfort stations,
  - e. Nature and hiking trails,
  - f. Skiing, outdoor ice skate, or sled facilities,
  - g. Picnic facilities,
  - h. Nature education centers,
  - i. Forest reservoir,
- § 130202 Permitted uses do not include any activity commonly conducted as a permanent commercial or retail business.

**SECTION 1303: Permitted Accessory Uses in “O” Zone.**

- § 130301 Accessory uses permitted in the Open Space and Recreation District, shall be limited to those incidental to any of the permitted uses listed in SECTION 1302 of this Article, and shall include but not be limited to:
- a. Garage and Maintenance sheds,
  - b. Marinas and Boat docks
  - c. Pavilions,
  - d. Ball fields

§ 130302 Accessory uses **do not include** any activity commonly conducted as a commercial business.

#### **SECTION 1304: Permitted Intensive Recreational Uses.**

§ 130401 Intensive recreational uses are those uses that accommodate large crowds of fifty (50) or more people on any given day.

§ 130402 The following is a list of permitted intensive recreational uses in the Open Space and Recreation "O" District:

- a. Tot lot,
- b. Playground,
- c. Neighborhood Community Park,
- d. Community Recreation Center,
- e. Playfield,
- f. Regional Park,
- g. Pavilion and Sheds

#### **SECTION 1305: Non permitted Uses in "O" Zone:**

130501 The following uses are not permitted in the Open space and Recreational District:

- a. Single or multi-family Dwellings
- b. Mobile Home Parks
- c. Mobile Homes,
- d. Surface Mining,
- e. Deep Mining,
- f. Waste Disposal,
- g. Land Fill Operations,
- h. All other uses not defined in 1302, 1303 and 1304 of this Article unless the Zoning Hearing Board of Adams Township grants the property owner or developer a special exception.

#### **SECTION 1306: General Provisions and Requirements for uses in the Open Space and Recreation "O" District:**

§ 130601 The general provisions and restrictions shall be applied to all uses in the Open Space and Recreation "O" Zone.

§ 130602 Set back Requirements for all permitted uses and accessory uses in this zone shall be fifty (50) feet.

§ 130603 Height Restrictions: All buildings or structures hereafter erected or altered shall be limited in height to 1 1/2 stories or twenty (20) feet

**§ 130605** Percentage of Lot Coverage:

- a. All structures and buildings including accessory uses shall not cover more than twenty (20) percent of the total lot area.

**§ 130606** Dwelling Standards:

- a. Permanent residential dwellings are not permitted in the Open Space and Recreation "O" Zone so no minimum dwelling standards are listed.

**§ 130607** Off Street Parking and Loading Facilities shall be provided as required by ARTICLE XVIII, SECTION 1802 of this ordinance.

**§ 130608** Signs shall be limited to those necessary for posting directions or regulations for use of the Open Space and Recreation area.

**ARTICLE XIV**  
**Conservancy “S” District**

**SECTION 1401: Introduction to Conservancy "S" Zone.**

§ 140101 The Conservancy “S” District is intended to preserve the scenic and ecological values of Adams Township's steep hillside lands, waterways, environmentally sensitive forestlands and soil types through the prohibition or restriction of commercial, industrial, and most residential development.

§ 140102 The Conservancy “S” District allows for very low-density "single-family" residential development, and the continuation of existing farming or agricultural operations.

**SECTION 1402 Permitted Uses in Conservancy “S” Zone.**

§ 140201 The following is a list of permitted uses in the Conservancy “S” District.

- a. Single-family dwellings,
- b. Farming,
- c. Forestry,
- d. Hunting lodges,
- e. Fishing lodges,
- f. Hunting club,
- g. Fishing club,
- h. Gun or archery club,
- i. Scenic or nature preserve,
- j. Other similar recreational purpose,
- k. Resort-type residential establishment when associated with recreation or group-oriented activities on the premises,
- l. Open recreational Use when operated by a non-profit organization for such purposes as hiking trails, fishing and boating, picnicking.

§ 140202 Permitted uses do not include any activity commonly conducted as a commercial business other than family farm.

**SECTION 1403: Permitted Accessory Uses in Conservancy “S” Zone.**

§ 140301 Accessory uses permitted in the Conservancy "S" Zone, shall be limited to those incidental to any of the permitted uses listed in § 14 02 of this Article, and shall include but not be limited to:

- a. Private garage
- b. Maintenance Shed,
- c. Pavilion

- d. Other customary accessory uses and buildings provided such are clearly incidental to the principal use.

§ 140302 Accessory uses do not include any activity commonly conducted as a commercial business other than family farming.

**SECTION 1404: Permitted Uses by Special Exception in Conservancy "S" Zone:**

§ 140401 Special exception uses listed for the Conservancy “S” District, may be permitted by a ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article XVII and Article XVIII of this ordinance.

- a. Surface mining, (provided disturbed land is properly backfilled and/or returned to its original contours) with set back requirements as set forth under Section 1715,
- b. Deep mining operations,
- c. Waste disposal, with set back requirements as set forth under Section 1716,
- d. Aqua-culture ponds
- e. Windmills, with set back requirements as set forth under Section 95.

**SECTION 1405: Non permitted uses in Conservancy “S” Zone:**

140501 The following uses are not permitted in the Conservancy “S” district:

- a. Mobile Homes,
- b. Mobile Home Parks,
- c. All other uses not defined in SECTIONS 1402, 1403, or 1404 of this Article unless the Zoning Hearing Board of Adams Township grants the property owner or developer a special exception.

**SECTION 1406: General Provisions and Requirements for uses in the Conservancy "S" Zone:**

§ 140601 The general provisions and restrictions shall be applied to all uses in the Conservancy "S" Zone.

§ 140602 Set back Requirements for all permitted uses and accessory uses in this zone shall be:

- a. Interior lot:
  - (1) Front – fifty (50) feet,
  - (2) Rear – twenty-five (25) feet.
  - (3) Side – fifty (50) feet
- b. Corner Lot:
  - (1) Street sides – fifty (50) feet
  - (2) Interior sides – twenty-five (25) feet

§ 140603 Height Restrictions: All buildings or structures hereafter erected or altered shall be limited

in height to 2 1/2 stories or thirty-five (35) feet, except those permitted under Act 95

**§ 140604** Lot Area: The minimum lot area for every building hereafter erected or altered shall be as follows:

- a. Residential use -- single-family dwelling, five (5) acres and a minimum width at the building line of two hundred 200 feet.
- b. Other permitted uses – Ten (10) acres and a minimum width at the building line of 300 feet.

**§ 140605** Percentage of Lot Coverage:

- a. All structures and buildings including accessory uses shall not cover more than five (5) percent of the total lot area.

**§ 140606** Dwelling Standards:

- a. Every one-story dwelling hereafter erected or altered shall have the total minimum floor area of not less than one thousand (1,000) square feet.
- b. Every two-story dwelling hereafter erected or altered shall have a total minimum floor area of twelve hundred (1,200) square feet.

**§ 140607** Off Street Parking and Loading Facilities shall be provided as required by ARTICLE XVIII, SECTION 1802 of this ordinance.

**§ 140608** Signs and advertisement structures shall be erected and maintained according to the requirements set forth in the provisions of Article XVIII, SECTION 1802 of this ordinance.

**ARTICLE XV**  
**Flood Plain “FP” Overlay District**

**SECTION 1501: Introduction to Flood Plain “FP” District.**

- § 150101 The Flood Plain “FP Overlay Zone is designed as a sub-zone within any given zoning district in Adams Township.
- § 150102 The recognition of a flood plain district on the zoning map serves to minimize injuries, limit the degradation of public health, deplete loss of life, and lessen damage to public and private property due to recurring severe flooding.
- § 150103 Flood Plain Zones also alert prospective developers that flooding may be expected in the area they propose to develop.
- § 150104 Determination of Flood Plain Districts is based upon the presence of certain elements which may include:
- a. The presence of flood plain soils as listed in the bulletin, "*Soil Survey Interpretations for Cambria County*";
    - (1) Alluvial Land,
    - (2) Atkins,
    - (3) Philo,
    - (4) Purdy.
  - b. Being listed in the "Standard Project Flood" as delineated by the U.S. Army Corps of Engineers,
  - c. Recognized as a flood prone area by the U.S. Department of the Interior, in its Geological Survey in its US Geological Survey.
  - d. A listing in documents of the Federal Insurance Administration as shown on its "Flood Hazard Boundary Map",
- § 150105 The determining element which covers the largest surface area shall be used to determine the boundaries of the Flood Plain Districts within Adams Township.
- § 150106 The following additional definitions pertain to the Flood Plain District:
- a. “**Floodway** ,” The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
  - b. “**Floodway fringe**,” that portion of the floodplain outside of the floodway that would be affected by a flood greater than a one hundred (100) year magnitude.

**SECTION 1502: Permitted Uses in Flood Plain “FP” District.**

- § 150201 Within the floodway itself, only open uses such as agriculture and parks are appropriate.

§ 150202 Within the floodway no structural development shall be permitted except where the effect of such development on **flood heights** is fully offset by accompanying stream improvements which have been approved by all appropriate Local and/or State or Federal Authorities.

§ 150203 The following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance, and provided that they do not require structures, fill, or storage of materials and equipment.

- a. Agricultural uses such as
  - (1) General Farming,
  - (2) Outdoor Plant Nurseries,
  - (3) Horticulture,
  - (4) Truck farming,
  - (5) Sod farming,
- b. Forestry,
- c. Wild crop harvesting.
- d. Game management areas,
- e. Fish hatcheries, etc.

§ 150204 Public and private recreational uses or activities are permitted such as;

- a. Parks and play fields,
- b. Day camps,
- c. Picnic grounds,
- d. Golf courses,
- e. Boat lanching and swimming areas,
- f. Wildlife and nature preserves,
- g. Trap and skeet game ranges,
- h. Hunting and fishing areas.
- i. Pavilions and Sheds.

§ 150202 In the floodway fringe areas, special standards to protect property and public health and safety shall be applied to the use of the land and to the construction of buildings or structures.

### **SECTION 1503: Permitted Accessory Uses in Flood Plain “FP” District.**

§ 150301 Accessory uses permitted in the floodplain zone shall be limited to that incidental to any of the permitted uses listed in §1502 of this Article and shall include but not be limited to:

- a. Pasture, grazing land
- b. Bridal path,
- c. Hiking trail,



- d. Open play area.
- e. Non-paved bike trail
- f. Other accessory residential uses such as
  - (1) yard areas,
  - (2) gardens,
  - (3) play areas,
  - (4) pervious parking areas.
- g. Accessory industrial and commercial uses such as
  - (1) yard areas,
  - (2) pervious parking and loading areas,
  - (3) airport landing strips, etc..

**SECTION 1504: Permitted Uses by Special Exception in Flood Plain “FP” District.**

§ 150401 Special Exception uses listed for the Flood Plain District may be permitted by a ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article XVII and Article XVIII of this ordinance.

- a. Utilities and public facilities and improvements such as;
  - (1) railroads,
  - (2) streets,
  - (3) bridges,
  - (4) transmission lines,
  - (5) pipelines,
  - (6) water and sewage treatment plants,
  - (7) other similar or related uses.
- b. Water related uses and activities such as;
  - (1) marinas,
  - (2) docks,
  - (3) wharves,
  - (4) piers, etc.
- c. Extraction of sand, gravel, and other materials.
- d. Temporary uses like circuses, carnivals, and similar activities.
- e. Storage of materials and equipment provided
  - (1) they are not buoyant, flammable, or explosive,
  - (2) they are not subject to major damage by flooding,
  - (3) they are firmly anchored to prevent flotation or drifting,

(4) they can be readily removed from the area within a reasonable time if a flood warning is issued.

f. Other similar uses and activities provided they cause no increase in flood heights and/or water flow velocities.

**§ 150402 Strict Compliance:**

a. All uses and activities permitted by Special Exception must be in strict compliance with the provisions of the underlying Zoning District in which the Flood Plain District exists, and not be prohibited by any other ordinance

b. All uses, activities, and structural developments, shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable local, state, or federal codes and ordinances.

**§ 150403 Other Considerations:** The Zoning Hearing Board shall consider, in addition to other factors, the following items during the hearing process for Special Exceptions:

a. The potential danger to life and property due to increased flood heights or velocities caused by encroachments into the floodway fringe area.

b. The danger that building or structural materials may pose, if they are swept along to other lands or downstream and their potential to cause injury to others.

c. The impact of the proposed use or activity on existing water supply and sanitation systems and the continued ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The degree to which the proposed facility and its contents are susceptible to flood damage and the effect such damage may have on the individual owners.

e. The importance of the services provided by the proposed facility to the community.

f. The necessity of a waterfront location for this facility.

g. The availability of alternative locations less prone to flooding for the proposed use.

h. The compatibility of the proposed use or activity with existing circumstances and any other development anticipated in the near future.

i. The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for Adams Township.

j. The safety of access to the property during times of flood by ordinary and emergency vehicles.

k. The anticipated height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at this site.

l. Such additional factors and procedures relevant to the purposes of this Article which may be specified in other sections of this Zoning Ordinance.

**§ 150405 Zero Flood Level Increase:** No special exceptions shall be granted for any proposed use, development, or activity that will cause or allow **any increase in flood levels** during a one hundred (100) year flood.

**§ 150406 Referrals:** The Adams Township Zoning Hearing Board may refer any application or

request for a special exception, along with its accompanying documentation, to any engineer or other qualified person or agency for technical assistance, so that a qualified determination may be made as to the proposed project's impact upon flood heights and velocities, and the adequacy of the project's plans to offset or minimize the effects of potential flooding in the area.

**SECTION 1505: Non-Permitted Uses in Flood Plain “FP” District:**

**150501** The following uses are not permitted in the Flood Plain District:

- a. Single Family dwellings,
- b. Multiple family dwellings,
- c. Convenience Shops,
- d. Churches or similar places of worship,
- e. Private or public garages,
- f. Service Stations,
- g. Commercial Buildings,
- h. Offices,
- i. Stores,
- j. Shopping Centers,
- k. Schools,
- l. Theaters,
- m. Warehouses,

**150502** All other uses not defined in 1502, 1503, or 1504 of this Article unless the Zoning Hearing Board of Adams Township grants the property owner or developer a special exceptions.

**SECTION 1506: General Provisions and Restrictions for Uses in Flood Plain “FP” District.**

§ **150601** No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered, except in full compliance with the terms and provisions of this Ordinance, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

§ **150602** Flood Plain Districts shall be marked as an overlay of sub-districts to the existing zoning districts shown on the Official Zoning Ordinance Map, and as such, the provisions of the Flood Plain District shall be supplemental to the provisions of the underlying district.

§ **150603** Where a conflict between the provisions or requirements of the Flood Plain District and those of the underlying Zoning District exists, the more restrictive provisions and/or those pertaining to the Flood Plain District shall apply.

§ **150604** In the event any provision concerning a Flood Plain District is declared inapplicable, as a result of any legislative or administrative action or judicial discretion, the basic underlying

district provisions shall remain applicable.

### **SECTION 1507: Flood Plain “FP” District Boundary Changes.**

- § 150701 The delineation of any existing Flood Plain District may be revised by the Adams Township Board of Supervisors or its designee where natural or man-made changes have occurred which decrease or extend the limits of the flood plain.
- § 150702 When more detailed studies, conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission, or any other qualified agency, merit a change in the boundaries of a Flood Plain District, the flood plain overlay shall be modified to show such changes.
- § 150703 Prior to recording any proposed changes in the delineation of a flood plain district’s boundaries on the flood plain overlay, the Township must obtain approval for those proposed changes from the Federal Insurance Administration (FIA).
- § 150704 The Adams Township Board Secretary will keep on file all individual documents or studies that give notification to the Township for such changes in flood plain boundaries.

### **SECTION 1508: Limiting Provisions. for the Flood Plain “FP District.**

- § 150801 All uses, activities, and development occurring within any Food Plain District, shall be undertaken in strict compliance with the underlying provisions of this Ordinance.
- § 150802 All uses, activities, and development occurring within any Flood Plain District, shall be undertaken in strict compliance with all other applicable codes and ordinances such as the “*Adams Township Subdivision and Land Development Ordinance*”.
- § 150803 Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other water flow/drainage facility or system.
- § 150804 Prior to the beginning of any proposed alteration or relocation of any creek, stream, or watercourse, etc. within Adams Township, the land owner or developer must obtain a permit from the Department of Environmental Protection (DEP), Dams and Encroachment Division.
- a. Further, notification of the proposal shall be given to all adjacent municipalities that may be affected by the proposal.
  - b. Copies of such notification shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

### **SECTION 1509: Limiting Provisions for the Floodway Fringe .**

- § 150901 In the Floodway Fringe area the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable local, state, and federal codes and ordinances.
- § 150902 The Adams Township Zoning Officer shall not issue a building permit or an occupancy

permit for any building, structure or use within the Floodway Fringe of the Flood Plain District until the land owner or developer has provided proof of the purchase of adequate flood insurance to protect his/her investment in said building or structure from damage due to possible flooding of the area.

**§ 150903** Land owners and developers must understand that they are using an area of Adams Township that is known to be prone to flooding damage and that they do so at their own risk and peril.



**ARTICLE XVI**  
**MUNICIPAL WATERSHED "W" OVERLAY DISTRICT**

**SECTION 1601: Introduction to Municipal Watershed "W" District**

§ 160101 The purpose of the Municipal Watershed "W" District is to protect watershed areas, areas of drainage of potable water, reservoirs, waterways, water storage facilities, and areas not needed for more intensive development in the foreseeable future.

§ 160102 This zone shall establish certain restrictions which are necessary within the watershed to protect the general health, welfare, and safety of the community by protecting surface and subsurface water supplies.

§ 160103 Impediment of flow or storage of water shall be prohibited by any obstruction or structure created by any individual, corporation, or private group other than those authorized by the Adams Township Board of Supervisors to control and preserve water supplies within the district.

§ 160104 Zoning of privately owned land for municipal watershed use shall occur only after the legal permission of the lawful landowner has been granted.

**SECTION 1602 Permitted Uses in Municipal Watershed "W" District.**

§ 160201 The following is a list of permitted uses in the Municipal Watershed "W" Zone.

- a. Scenic or nature preserve,
- b. Tree farm
- c. Game lands

**SECTION 1603 Permitted Accessory Uses in Municipal Watershed "W" District.**

§ 160301 Accessory uses permitted in Municipal Watershed "W" Zone shall be limited to those incidental to any of the permitted uses listed in §1602 of this Article and shall include but not be limited to:

- a. Wildlife and nature area
- b. Hiking trails

**SECTION 1604 Uses Permitted by Special Exception in Municipal Watershed "W" District**

§ 160401 Special Exception uses listed for the Watershed "W" District may be permitted by a ruling of the Adams Township Zoning Hearing Board and are subject to the procedures and requirements set forth in Article XVII and Article XVIII of this ordinance.

- a. Utilities and public facilities and improvements such as:
  - (1) Roads,
  - (2) Bridges,
  - (3) Transmission lines,

- (4) Pipelines,
- (5) Windmills,
- (6) Other similar or related uses.

b. Water related uses and activities such as

- (1) Water storage tank,
- (2) Water treatment plant,
- (3) Water impoundment,
- (4) Water pumping station.

c. Adult Business Conditional Use

**Section 160402. Adult Business Conditional Use** - Adult Businesses may be permitted in the Municipal Watershed-WD District as a conditional use granted by the Adams Township Board of Supervisors upon the following criteria.

**Section 160403. Adult Business Definitions:**

**1. Adult Business** - Either, **A)** an Adult Book Store, defined as: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment with a segment or section devoted to the sale or display of such material; **or B)** an Adult Theater, being defined as a club, bar or entertainment facility:

**1)** Presenting film, tape or other audio or visual reproduction or any other material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons; or

**2)** Featuring topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

**2. Specified Anatomical Areas** - Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**3. Specified Sexual Activities** - Any of the following:

**A.** Human genitals in a state of sexual stimulation or arousal;

**B.** Acts of human masturbation, sexual intercourse or sodomy;

**C.** Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or

**D.** Audible representation, description or narration of any of the above.

**Section 160404. Criteria for Adult Business Conditional Use**

**1)** Adult Business Uses as Conditional Use.



**A.** Adult business uses, as defined herein, are only permitted in the Municipal Watershed-WD District, and only as a conditional use subject to the specific criteria expressed in this and other applicable Ordinances.

**B. Procedures.** A conditional use permit for such uses shall be issued by the Adams Township Supervisors, providing the following specific conditions are met:

Applications for a conditional permit for an adult business use specify location, layout, and all other information required by these sections relating to Adult Businesses, shall be submitted to the Zoning Officer at least 15 days prior to the next regular meeting of Adams Township Planning Commission. At that meeting, the Planning Commission shall review and comment on the application and forward to the Supervisors all information required by this Section.

Upon receipt of an application for an adult business use conditional use permit, the Supervisors shall establish the date, time and place for a public hearing on the application. Notice of the public hearing shall be published at least once in a newspaper with general circulation in the municipality not less than 10 days nor more than 20 days from the date of the hearing. The notice shall establish the time, date and place of the hearing and shall describe the proposal in general terms. In addition to the public hearing notice, a written notice shall be mailed to the owners of all property within 500 feet of the site proposed for the adult business use. Such public hearing shall be held no later than 60 days following the meeting at which the Adams Township Supervisors receive such application. The Planning Commission shall review the application at its next legally-advertised regular meeting following the receipt of the application from Adams Township Supervisors. Within seven (7) days of such review the Planning Commission shall submit a written report to the Supervisors on its findings on the conformity of the adult business use conditional use permit application with the requirements of this and other applicable Ordinances.

At the first regular or special meeting of the Adams Township Supervisors subsequent to the Supervisors conducting the public hearing, Supervisors shall take action on such application. The Supervisors may approve the conditional use permit subject to specific conditions or changes, or may disapprove the conditional use permit with a specific list of reasons for such disapproval. Written notification of the Supervisors' action, with reasons therefore, shall be mailed to the applicant by the Zoning Officer within five (5) days of said action by Supervisors.

All applications for an adult business use conditional use permit shall be accompanied by a site plan. The minimum information required on the site plan shall include:

- 1) The adult business use intended.
- 2) The location and elevations of all buildings, structures, walls, fences and landscaping on the site.
- 3) Off-street parking areas and traffic circulation patterns, and all signs, displays and advertising, including location(s).

**C. Other Requirements:**

- 1) All storage and displays shall be located within the building.
- 2) All business transactions on the premises shall be conducted within the building.
- 3) No exterior changes, excluding maintenance, to a building proposed to be used for an adult business use shall be made without the approval of Township Supervisors. In no case shall opaque covering of display windows be permitted.
- 4) All new construction shall be in keeping with the scale and architectural styles of the buildings surrounding the site proposed for an adult business use.
- 5) Not more than one type of adult business use, as defined herein, may operate on any lot.
- 6) Advertisements, displays or other promotional materials of specified sexual activities or specified anatomical areas shall not be shown or exhibited so as to be visible to the public from the exterior of the building.
- 7) In adult mini-motion picture theaters, no openings are permitted through walls separating private viewing booths.

**D. Signs and Other Visible Messages.** In addition to the regulations of applicable state laws, the following shall apply to all adult business uses:

- 1) Sign messages shall be limited to written description of material or services available on the premises.
- 2) Sign messages may not include any graphic or pictorial depiction of material related to specific sexual activities or specified anatomical areas.
- 3) Adult business uses shall be limited to 20 square feet in sign area, with lettering on said signs not exceeding 4 inches in height.

**E. Locational Requirements.**

- 1) No adult business use shall be located within 1,000 feet of any other existing adult business use, measured from the property lines of the lot on which the adult business use is located.
- 2) No adult business use shall be located within 500 feet of any residential zoning district or within 500 feet of the lots on which the following uses are located:  
Churches, monasteries, chapels, synagogues, convents or rectories.  
Schools up to and including the 12th grade and their adjunct play areas.  
Public playgrounds, public parks, public swimming pools and public libraries.

**F. Statement of Ownership.** Applications for a conditional use permit for an adult business use shall include a statement providing specific information on each individual, partner, limited partner, corporate officer, corporate director, or corporate stockholder owning more than three (3%) percentum of the issued and outstanding stock of a corporate applicant, comprising the applicant, to include the following: Name, residence address and social security number.

**G. Termination or Modification of Conditional Use Permit.** When a conditional use permit for an adult business use is authorized by the Supervisors, the continuation of such use shall be dependent upon the conditions established under the permit and this Ordinance; in the event of a change of conditions or non-compliance of conditions, the Supervisors shall have the responsibility and right to terminate or revoke the conditional use permit.

A conditional use permit may be modified subject to the criteria and procedures established in this Ordinance.

**160405** All uses and activities permitted by Special Exception must be in strict compliance with the provisions of this Zoning Ordinance and in all other applicable local, state, or federal codes and ordinances.

**160406** The Zoning Hearing Board shall consider, in addition to other factors, the following items during the hearing process for Special Exceptions:

- d. The potential danger the proposed use poses to the quality of the water supply.
- e. The potential of the proposed use creating a health hazard or unsanitary condition.
- f. The potential danger building or structural materials may pose to the water supply.
- g. The degree to which construction may alter the flow of potable water, or denigrate its quality by increasing the incidence of mud and silt into the waterways.
- h. The availability of alternate locations less prone to affect the water supply.
- i. The importance of the services provided by the proposed facility to the community.
- j. Other such factors and procedures relevant to the purposes of this Article which may be specified in other sections of this Zoning Ordinance.

**160407** The Adams Township Zoning Hearing Board may refer any application or request for a special exception, along with its accompanying documentation, to any engineer or other qualified person or agency for technical assistance, so that a qualified determination may be made as to the proposed project's impact upon the Watershed area, and the adequacy of the project's plans to offset or minimize any adverse effects to the Watershed.

### **SECTION 1605: Non-Permitted Uses in Municipal Watershed "W" District.**

**160501** The following uses are not permitted in the Municipal Watershed "W" District.

- a. Single-family dwellings,
- b. Multiple Family dwellings,
- c. Convenience shops,
- d. Churches or similar places of worship,
- e. Private or public garages,
- f. Service stations,
- g. Commercial Buildings,
- h. Offices,
- i. Stores,

- j. Shopping Centers,
- k. Schools,
- l. Theaters,
- m. Warehouses,

**160502** All over uses not defined in 1602, 1603, or 1604 of this Article unless the Zoning Hearing Board of Adams Township grants the property owner or developer a special exception.

**SECTION 1606: General Provisions and Restrictions for Uses in Watershed “W” District.**

**§ 160601** No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered, except in full compliance with the terms and provisions of this Ordinance, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

**§ 160602** Setbacks: All setbacks shall be Thirty (30) feet from lot boundaries and fifty (50) feet from existing waterways.

**§ 160603** Height Restrictions:

- a. The height of any structure or apparatus for newly erected or altered uses shall not exceed Sixty-five (65) feet, or in accordance with Act 95.
- b. Any permitted building shall be limited to two and one-half (2½) stories or thirty-five (35) feet,
- c. Accessory building – twenty (20) feet,
- d. Shed -- ten (10) feet.

**§ 160604** Lot Area Size Limitations:

- a. The minimum lot area for every structure or use shall be ten thousand (10,000) square feet.
- b. The minimum width of the lot at the building line shall be seventy-five (75) feet.

**§ 160605** Percentage of Lot Coverage:

- a. Use coverage shall not exceed twenty (20%) percent including accessory uses
- b. No building or structure shall be constructed or erected within fifty (50) feet of any main waterway channel.
- c. At least eighty (80 %) percent natural vegetation coverage shall be maintained on all lots.
- d. Pavillions and Shed set backs will be the same as a building or structure.

**§ 160606** Building Standards:

- a. Erosion and sediment control measures shall be maintained on temporarily disturbed areas.
- b. All disturbed areas not covered by buildings, driveways, or accessory structures shall be permanently stabilized with vegetation by the end of the first growing season after completion of earthmoving activities.

**§ 160607** If the borders of this zone are deemed to overlap any other zone, the provisions regulating uses in this zoning district shall take precedence.

**§ 160608** If any changes occur in the future to uses in a zoning district to which the Municipal Watershed “W” Zone overlaps, the provisions regulating uses in this Article shall take precedence.

**§ 160609** Every effort shall be taken by the Planning Commission to ensure that the overlapping of areas which contain public facilities such as parks, playgrounds, public swimming pools, etc. with the Municipal Watershed does not occur.

- a. Overlapping of A, A/R-1, R2, R3, U, H, C, or L-1 districts with the Municipal Watershed Zone shall be prohibited.
- b. Overlapping of S, O, and FP districts with Municipal Watershed Zone shall be permitted.



**ARTICLE XVII**  
**SPECIAL EXCEPTIONS – GENERAL CRITERIA:**

**SECTION 1701: Introduction:**

§ 170101 **Special Exceptions Listed.** The various special exceptions listed in ARTICLES V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, and XVI of this ordinance and their accessory buildings and uses may be permitted by the Adams Township Zoning Hearing Board, in the districts indicated therein, in accordance with the procedures, standards, and criteria set forth in this ARTICLE and ARTICLE XXII (Zoning Hearing Board).

§ 170102 **Authority and Jurisdiction** The Adams Township Zoning Hearing Board derives its authority and jurisdiction, through this Ordinance of the Adams Township Board of Supervisors, from **Title 53; Municipal Corporations, CHAPTER 30. PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ARTICLE IX, “Zoning Hearing Board and Other Administrative Proceedings,” § 10909.1. Jurisdiction.** (a) The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:  
6. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to section 912.1.

**SECTION 1702: General Procedures:**

§ 170201 **Application.**

- a. Upon receipt of an application for Special Exception (to be filed with the Adams Township Zoning Officer),
  - (1) the application shall be filed with the Adams Township Zoning Hearing Board within ten (10) days of its receipt by the Zoning Officer.
  - (2) the application shall also immediately be referred to the Adams Township Planning Commission for investigation as to the manner in which the proposed location and character of the special exception will affect the community and how the required standards are to be achieved by letter to all Planning Commission Members.
- b. The Adams Township Planning Commission shall report the results of its study to the Adams Township Zoning Hearing Board within thirty (30) days following receipt of the application.
- c. If no such report from the Planning Commission has been filed with the Zoning Hearing Board within this time period, the Zoning Hearing Board may assume the municipality or planning agency has acted favorably, but in any event the recommendation of the municipality or planning agency shall be advisory and not binding upon the Zoning Hearing Board.

§ 170202 **Public Hearing.**

- a. The Zoning Hearing Board shall conduct a Public Hearing on the application for Special Exception, under the Amendment Procedures of ARTICLE XXIII, and in accordance with the Public Notice Requirements as defined in SECTION 2302, of this ordinance.

- (1) Authority, Title 53; Municipal Corporations, CHAPTER 30. PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ARTICLE IX, Zoning Hearing Board and Other Administrative Proceedings, § 10912.1. Zoning hearing board's functions; *special exception*. “Where the governing body, in the zoning ordinance, has stated special exceptions to be granted or denied by the board pursuant to express standards and criteria, the board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.
- (2) In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance.”
  - b. If the proposed special exception is located in a district wherein such use may be permitted and in which the requirements have been met, and the spirit, purpose, and intent of this ordinance is upheld, the Zoning Hearing Board may approve the Special Exception if it is deemed that no harm shall befall the neighboring property.
  - c. Upon approval, the applicant may then apply to the Zoning Officer, and he shall issue a Compliance and/or Occupancy permit in accordance with the procedures specified in this ordinance, refer to Section 2105.

**§ 170203 Expansion of Special Exception.**

- a. Any expansion of a granted Special Exception involving the enlargement of the buildings, structures, or land use, shall also be subject to the procedures described in this section.
- b. Any proposed expansion of said Special Exception shall be subject to a separate hearing and determination by the Zoning Hearing Board before any subsequent building or occupancy permits can be issued by the Zoning Officer.

**§ 170204 Multiple Special Exceptions.**

- a. If more than one Special Exception is involved, the applicant may apply only for one permit which is most closely related to the primary use of the main building, structure, or land use provided that all the requirements for the main building, structure, or land use have been met.
- b. The Zoning Hearing Board may place limitations upon additional and subsequent special exception uses while granting the primary Special Exception use.
- c. All additional Special Exceptions must be listed for the district in which the building, structure, or use is proposed.

**SECTION 1703: Planned Residential Development Requirements (PRD):**

**§ 170301 Introduction to Planned Residential Development (PRD).**

- a. Planned Residential Development is a technique wherein multiple residential structures (semidetached, detached, and multistory) are arranged in closely related groups. It may also include land uses of the cultural, recreational, and commercial character to the extent that they are designed to serve the residents.



- b. Instead of spreading houses uniformly over an entire tract, cluster development occurs creating higher densities in certain areas and preserving natural features in others. under such planning, lot size is reduced and the land thus saved is used for common greens or open spaces.
- c. Control takes place through zoning by averaging the residential density over the entire area being planned.

**§ 170302 Application for Planned Residential Development (PRD)**

- a. Prior to approval of any planned residential development, the developer must submit a written plan to the Adams Township Planning Commission with required statements and supplementary information for review.
- b. The proposed multiple-family dwelling plan, with its required statements and supplementary information, shall be studied by the Planning Commission, and a report recommending approval or disapproval and the reasons therefor shall be made to the Adams Township Zoning Hearing Board for its considerations within sixty (60) days.
- c. The planning commission report shall contained findings related to the following conditions.
  - (1) Whether such multiple-family dwelling is laid out and developed as a unit in accordance with an integrated overall design.
  - (2) That the arrangement and location of buildings, parking areas, walks, lighting an apartment facilities, are adjusted to the surrounding land uses, and any part of the site not used for buildings, or other structures, or for parking, loading or access ways, driveways, are landscaped with grass, trees, and shrubs.
  - (3) Recommendations by the planning commission of additional requirements as to landscaping, lighting, screening, access ways, and building setbacks designed to protect adjacent residential property.

**§ 170303 Approval of Planned Residential Development (PRD)**

- a. The Zoning Hearing Board may approve the plan after reviewing the report and recommendations of the Planning Commission, even though the use of land, the location of the buildings to be erected in the area, and/or the yards and open spaces contemplated by the plan, do not conform in all respects to the district regulations of the zone in which it is located.
- b. The Board should exercise care that the spirit and intent of this ordinance is not violated.
- c. Upon approval of the plan the Issuing Agent and/or Compliance Officer shall issue building permits and/or occupancy permits.

**§ 170304 Supplemental Requirements for Planned Residential Development (PRD).**

**a. Appropriate Housing Types.**

<b>Single Family dwelling</b>
<b>Two family Dwelling</b>
<b>Townhouse with 3 or more units</b>
<b>Garden Apartment (2 or 3 story)</b>
<b>Walkup Apartment (4 story maximum)</b>

[Note: \*See §170304 g below.]

**b. Set Back Requirements.**

- (1) A minimum setback of fifty (50) feet shall be observed around the entire perimeter of the tract or lot used Fort Planned Residential Development.
- (2) No main or accessory building may be erected within the setback area and however, outdoor recreation facilities may be constructed in the area provided that they are a minimum of forty (40) feet from the perimeter lot lines
- (3) A front yard setback of fifty (50) feet shall be observed for all buildings erected adjacent to streets within the Planned Residential Development.

**c. Lot Area and Coverage.**

- (1) The minimum acreage for PRD shall not be less than 10 acres and the minimum width of the building line shall depend upon the planned layout.
- (2) All buildings including accessory building's shall not cover more than seventy-five (75) percent of the lot area, including building and parking. Must maintain 25% open space.
- (3) Each dwelling unit shall have not less than six hundred (600) square feet of floor area .

**d. Off -street Parking and Loading Facilities shall be provided in accordance to the provisions of ARTICLE XVIII, SECTION 1802 of this ordinance.**

**e. Signs shall be constructed and erected in accordance with the provisions of ARTICLE XIX, SECTIONS 1901,1902 of this Ordinance.**

**f. The Yard Area.**

- (1) At least two hundred fifty (250) square feet, per family unit, shall be reserved and maintained as an outdoor recreation area or yard by the owner or developer of the site.
- (2) Only those buildings and structures hereafter erected along the development property lines shall provide and maintain a front yard, side yard, and/or rear yard set backs.
- (3) The horizontal dimensions of all yards shall be fifty (50) feet, or not less than the height of the building, whichever is greater.

- g. Building Height Restrictions are governed by the district zone height restrictions for primary use structures in which the PRD is located.
- h. Density.
  - (1) The maximum density of the development shall not exceed 26 units per acre.
  - (2) Ten (10) townhouses or eighteen (18) garden apartment units per net acre represent optimum density for these housing types.
  - (3) Regardless of numbers, the maximum coverage of all buildings and impervious surfaces shall not exceed seventy-five (75) percent of the gross area of the site.
- i. Assurance Requirement.
  - (1) Assurance shall be required from the developer that the project will be used for the specified purposes in the PRD plan.
  - (2) The Adams Township Board of Supervisors may require a trust indenture restricting the area to such planned uses.
- j. Water and Sewage.
  - (1) The development shall be served by public water supply and public sewage disposal systems or, in areas in not now or in the for seeable futures served by such public system, by individual wells and a community "package" sewage treatment plant.
  - (2) The facilities or financial responsibility for the installation of them shall be provided prior to final approval all the each development phase.
  - (3) All streets and areas of high pedestrian used shall be adequately lighted and have sidewalks.

**SECTION 1704: Funeral Home Standards and Requirements:**

- § 170401 Where a funeral home is permitted as a special exception in a zoning district, the following additional minimal requirements shall be met.
- a. Minimum lot size shall be two (2) acres.
  - b. Other requirements shall be governed by the district in which the Funeral Home is to be located.
  - c. Off Street Parking and Loading Facilities shall be provided as required under ARTICLE XVIII, SECTION 1802 of this ordinance.
  - d. Signs shall be constructed and erected in accordance with the provisions of ARTICLE XIX, SECTIONS 1901, 1902 of this Ordinance.

**SECTION 1705: Hospital and Nursing Home Standards and Requirements:**

- § 170501 Where a Hospital or Nursing Home is permitted as a special exception in a zoning district, the following additional minimal requirements shall be met.
- a. Minimum Lot Size shall be three (3) acres.
  - b. Off Street Parking and Loading Facilities shall be provided as required under ARTICLE XVIII, SECTION 1802 of this ordinance.

- c. Signs shall be constructed and erected in accordance with the provisions of ARTICLE XIX, SECTIONS 1901, 1902 of this Ordinance.
- d. Other requirements shall be governed by the district in which the Hospital or Nursing Home is to be located.

**SECTION 1706: Day Care Facility Standards and Requirements:**

§ 170601 A Day Care Center may locate in any Residential District by Special Exception and in any Commercial District by right, and shall be subject to the regulations of the Zoning District in which it is located

§ 170602 Where a Day Care Facility is permitted as a special exception in a zoning district, the following additional minimal requirements shall be met.

- a. All day care facilities defined in this Ordinance must hold and approved Pennsylvania Department of Public Welfare registration certificate or license.
- b. The day care facilitating must meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space, and any applicable state or local building in fire safety codes.
- c. All day care homes and facilities shall be fully protected by smoke and carbon monoxide detectors and fire extinguisher's.
- d. When day care is provided in a home, the amount of floor area devoted to such purposes shall not exceed thirty (30) percent of the total floor area of the dwelling and there shall be no change to the exterior of the building for the purpose of accommodating the day-care use.
- e. The minimum lot size for any Family Day Care Home shall be 7,500 square feet and for any Group Day Care Home shall be 15,000 square feet. Any such home shall conform to the setback, height, and building area requirements of the zoning district in which it is located.
- f. The required outdoor play area for a day care center or facility shall be surrounded by a safety fence or natural barrier, at least three (3) feet in height, but also shall conform to maximum height limitations of the regulations relating to fences in the zoning district in which it is located.
  - (1) No portion of the outside play area shall be closer than 30 feet to an existing occupied dwelling on an adjacent lot.
  - (2) Outside play shall be limited to the hours between 8:00 AM and 7:00 PM.
  - (3) Play Area shall have a minimum area of three thousand five hundred (3,500) square feet.
  - (4) Play Area shall have a minimum of ten thousand (10,000) square feet for groups of children between 7 and 12 in number.
  - (5) Play area shall have an additional 500 square feet per child for group populations over twelve (12)in number.
- g. No Day Care Center or Facility shall be established within 500 feet from another day care center in any residential district.

- h. Off Street Parking and Loading Facilities shall be provided as required under ARTICLE XVIII, Section 1802 of this ordinance.
  - (1) In addition there shall be one off Street parking space provided for each employee or full-time volunteer.
  - (2) There shall be one safe passenger unloading space measuring 9 feet by 20 feet for each ten children that the facility is licensed to accommodate
- i. Signs shall be constructed and erected in accordance with the provisions of ARTICLE XIX, SECTIONS 1901, 1902 of this Ordinance.

**SECTION 1707: Bed & Breakfast Standards and Requirements:**

- § 170701 Where a Bed & Breakfast is permitted as a special exception in a zoning district, the following additional minimal requirements shall be met.
- a. Shall meet the requirements of a single family dwelling in the district.
  - b. Off Street Parking and Loading Facilities shall be provided as required under ARTICLE XVIII, SECTION 1802 of this ordinance.
  - c. Signs shall be constructed and erected in accordance with the provisions of ARTICLE XIX, SECTIONS 1901, 1902 of this Ordinance.

- 170702** The former terms “Boarding House” and “Rooming House” are also included in this section and the same appropriate regulations and restrictions shall apply.
- d. These terms are used to describe establishments whose patrons stay an extended period of time - in excess of two weeks.
  - e. Some additional accommodations may be supplied to the boarders by the establishment.

**SECTION 1708: Mobile Home Park Standards and Requirements:**

- § 170801 Where a Mobile Home Park is permitted as a special exception in a zoning district, it must meet all of the requirements established in the current *Adams Township Subdivision and Land Development Ordinance, Article VII*, regulating Mobile Home Parks, and the following additional minimal requirements.
- a. No Mobile Home Park shall be located or constructed in a manner or at a location inconsistent with the Municipal Flood Plain Ordinance or the Flood Plain Provisions of this ordinance.
  - b. Where any Mobile Home Park has an entrance from a state highway, approval of said entrance shall be obtained in writing from the Pennsylvania Department of Transportation before said mobile home park development can be approved.
  - c. The grounds of the Mobile Home Park shall be maintained in a clean, sightly manner, and kept free of any condition that could menace the health or welfare of any occupant or the public, or constitute a nuisance or fire hazard.
  - d. All storage tanks of potentially hazardous materials such as gasoline, liquefied petroleum, propane or natural gas, kerosene or diesel oil, shall be so installed as to comply with all Cambria County, Pennsylvania, and Federal, Hazardous

Material and Fire Prevention Code Regulations.

- e. Mobile home developments that accommodate 25 or more mobile homes must be provided with at least one accessible recreation area of at least twenty-one thousand (21,000) square feet .
- f. All Mobile Homes located adjacent to the development property boundary shall be provided with screening such as fences or natural growth along the property boundary line separating the community and such adjacent residential or non-residential areas with a ten (10) foot buffer.
- g. The minimum total area for every Mobile Home Park hereafter developed shall be five (5) acres and the density of mobile homes in such parks shall not exceed eight (8) mobile home units per gross acre.

**§ 170802** Each Mobile Home Park Application shall be submitted to the Adams Township Planning Commission for review and be accompanied by three (3) copies of a **plot plan** drawn to a scale of one inch equals 20 feet, prepared by a Pennsylvania Licensed surveyor, engineer, architect, or landscape architect.

- a. The Plot Plan shall show limits and square footage of the proposed Mobile Home Park and the location and size of mobile home lots and stands, driveways, parking areas, playgrounds, service buildings, and any other buildings, together with all required setbacks from rights-of-ways and property lines.
  - (1) All mobile home lots shall be numbered in sequence on the plot plan.
  - (2) Every mobile home lot and stand shall be clearly defined on the ground by permanent markers.
  - (3) There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number on the plot plan.
  - (4) The minimum width of each mobile home lot shall be thirty-five (35) feet.
  - (5) The minimum distance between adjacent mobile homes shall be twenty (20) feet side to side, and fifteen (15) feet end to end.
  - (6) The area of mobile home stand shall be improved to provide adequate support for the placement and tie down of the mobile home thereby securing the superstructure against uplift, sliding, rotation, or overturning.
  - (7) All Mobile Homes shall be located at least thirty-five (35) feet from any mobile home park boundary abutting upon a public street or highway and at least 25 feet from other park property boundary lines.
  - (8) There shall be a minimum distance of twenty-five (25) feet between the mobile home foundation and an abutting street.
- b. The Plot Plan must be approved by the Adams Township Planning Commission before the application for the initial **Mobile Home Park Permit** is submitted to the Adams Township Board of Supervisors.

**§ 170803** The street or driveways in any Mobile Home Park shall meet the minimum requirements set forth in the current **Adams Township Subdivision and Land Development Ordinance**, Article V, SECTION 502 and Article VII Regulating Mobile Home Parks.

§ 170804 The design criteria for automobile parking within any Mobile Home Park shall be consistent with the requirements set forth in the current **Adams Township Subdivision and Land Development Ordinance**, Article VII, G, “Required Off Street Parking.”

§ 170805 An adequate supply of potable drinking water, approved by the Pennsylvania Department of Environmental Protection, shall be furnished to all sites within the park.

- a. This water may come from a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions, and ordinances.
- b. Water supply faucets shall be located on each mobile home lot. in the mobile home park.
- c. All wastewater from any faucet, toilet, tub, shower, sink, drain, washing machine, garbage disposal unit, or laundry, shall empty into an approved sewer system installed in accordance with Pennsylvania Department of Environmental Protection regulations.

§ 170806 All service buildings within the Mobile Home Park shall be:

- a. adequately lighted at all times of the day and night,
- b. well ventilated, and kept clean of debris and trash,
- c. constructed of such moisture proof materials, including painted woodwork, as shall permit repeated cleaning and washing,
- d. and maintained at a temperature of not less than 68 degrees Fahrenheit during the normal yearly heating period from October 1st through to May 1st.

§ 170807 No permanent or semi-permanent structures shall be attached to any mobile home as an addition to such mobile home.

- a. The prohibition herein against any addition or accessory to a mobile home shall not apply to a canopy or awning, or movable deck designed for use with the mobile home.
- b. The structural coverage of Mobile Home Lots shall not exceed seventy-five (75) percent of the total mobile home lot area within the Mobile Home Park.

§ 170808 The developer of a Mobile Home Park shall provide landscaping to the park area to meet the following minimum requirements..

- a. A well manicured grassy covering (lawn) on the area surrounding each mobile home stand.

## **SECTION 1709: Home Occupation Standards and Requirements:**

§ 170901 Where a Home Occupation is permitted as a special exception in a zoning district, the following additional minimal requirements shall be met.

- a. The proposed use shall be consistent with the definition of a home occupation set forth in ARTICLE II, SECTION 202 of this ordinance.
- b. Off street parking relating to the home occupation shall be limited to not more than three (3) spaces for motor vehicles in excess of the number of motor vehicles

registered to the occupants residing at the residents in which the home occupation is being conducted.

- c. A home occupation shall be required to have all necessary state and local permits and licenses.
- d. Home Occupation will be limited to not more than two (2) assistants.
- e. Home occupation shall not occupy more than 25% of residence dwelling size. ( See Section 1709).

### **SECTION 1710: Office Building Standards and Requirements:**

§ 171001 An office building may be permitted as a Special Exception provided the minimum requirements as set forth in Article XI, SECTIONS 1106,1107 , Commercial Districts, of this Ordinance are met.

### **SECTION 1711: Storage Yard and Buildings for Contractors or Excavating Equipment Standards and Requirements:**

§ 171101 Where a Storage Yard is permitted as a Special Exception Accessory Use in a zoning district, the following additional minimal requirements shall be met.

- a. All trucks, tractors, earth moving equipment and similar types of movable equipment must be set back a minimum distance of twenty-five (25) feet from the nearest property line.
- b. The storage yard area must be properly screened from adjacent properties with a fence or wall or a planting of evergreen trees and shrubs. The storage of materials and supplies customarily incidental to the operation of a contractor's business shall be stored within an enclosed building or structure and comply with the setbacks of the zone in which the storage facility is located.

§ 171102 The contractor's office may be located in a building within the storage yard provided that all pertinent requirements for occupied buildings of the zone in which the yard is located are met.

### **SECTION 1712: Junk Yard Standards and Requirements:**

§ 171201 Junkyards shall be permitted as a special exception only in the agriculture district subject to the following regulations:

- a. Enclosure and Setbacks.
  - (1) All junkyards shall be enclosed with a fence of a minimum height of eight (8) feet along with entrance gates.
  - (2) Entrance gates shall be securely locked at all times, except during normal business hours when an adult attendant is on the premises.
  - (3) All materials stored within a junkyard shall be setback at least twenty-five (25) feet from any adjoining premises and at least fifty (50) feet away from the right-of-way of any public road or highway.
- b. Material and Scrap Disposition.



- (1) Burning or melting of any junk, rubbish, or refuse, is prohibited.
- (2) All materials shall be stored and arranged to permit access by fire fighting equipment.
- (3) All materials shall be stored in a manner to prevent the accumulation of stagnant water.
- (4) Materials or scrap, including automobiles, shall not be piled to a height of more than eight feet above ground level.
- (5) All gasoline and petroleum products or other hazardous materials shall be drained/or emptied from any junked appliance or scrap automobiles into proper containers and removed from the premises within twelve hours of the arrival of the automobile or junked appliance.
- (6) The disposition and disposal of all fluid wastes must comply with state and federal regulations regarding their proper handling.
- (7) No garbage or organic wastes of any kind shall be permitted to be stored in any junk yard.

§ 171202 Junkyard operations shall be subject to annual inspections and permit requirements as outlined in ARTICLE XXI, of this Ordinance and the State of Pennsylvania regulations.

### **SECTION 1713: Car Wash Standards and Requirements:**

§ 171301 Where a Car Wash is permitted as a Special Exception Use in a zoning district, the following additional minimal requirements shall be met.

- a. Automatic, semiautomatic, or self-service car washes, limited to the service of cleaning vehicles, are permitted only in an enclosed building.
- b. Car wash buildings shall be located no closer than 100 feet to any residential district, hospital, fire station, or closer than 50 feet to any intersection.
- c. All vehicle parking and car wash accessory structures shall be located so that they do not intrude into the front yard of the lot.
- d. All other setback requirements specified in the approved zoned district shall be met.
- e. A lot area shall be provided to accommodate the parking/storage of not less than five (5) vehicles for each bay of a self-service car wash.
- f. A lot area shall be provided to accommodate the parking/storage of not less than ten (10) vehicles for each space or rated capacity of an automatic or semi-automatic car wash .

§ 171302 All cleaning supplies on the car wash premises shall be stored inside the car wash building, or similar permanent structure and must meet the current state and federal standards for storing hazardous chemicals.

§ 171303 All water used in the car wash process must be properly collected, filtered and recycled to minimize the total amount of water used. No waste water shall be permitted to enter the regional or local sewage collection system or storm water management collection system.

§ 171304 Steam cleaning or chemical detergent cleaning of gasoline engines or transmissions or other automotive parts that normally become covered with an excess mixture of dirt and petroleum by-products is prohibited, unless all removed accumulations are collected and placed into drums for proper disposal.

## **SECTION 1714: Surface Mining and Excavation Standards and Requirements:**

§ 171401 Mining activities are permitted only in the Conservancy “S” Zone and are subject to the following regulations:

- a. An application for Special Exception shall include a copy of all materials submitted as part of the DEP permit application process. The Special Exception status will be conditional upon issuance of a DEP mining permit.
- b. Time of operation.
  - (1) Mining operations may be permitted to operate 24 hours per day providing set operations do not interfere with closely adjacent residential areas.
  - (2) If mining operations are to be in close proximity fifteen hundred(1,500 feet) to residential areas, mining operations shall be limited to daylight hours.
- c. Use of local roads and streets.
  - (1) Mine vehicles are prohibited from using local streets in residential areas at night.
  - (2) Use of locally maintained municipal roadways by mine vehicles that exceed the weight limits of said municipal roadways is strictly prohibited.
  - (3) Any utilization of township roadways by mining vehicles shall be accompanied by a bond, issued by the mining operator, covering all of the costs involved in repairing and/or replacing damaged roadways caused by said mining vehicles.
- d. Proximity to residential areas or municipal watershed.
  - (1) All mining operations and blasting activities shall maintain, at a minimum, a one thousand (1,000) foot distance from all residential structures and/or areas.
  - (2) All mining operations shall maintain a minimum horizontal distance of one thousand (1000) feet from all municipal watershed areas, and a minimum horizontal distance of three hundred (300) feet from any watercourse (stream or river),and wetlands.
  - (3) All mining operations shall maintain a minimum horizontal distance of two hundred (200) feet from all adjoining property lines.
- e. Groundwater Supply.
  - (1) Measurements of ground water quality and availability shall be taken and recorded before any strip mining operations may be permitted to commence in areas where said ground water is used by local residents.
  - (2) Any decrease in groundwater availability, or any pollution of groundwater used by local residents shall be remedied by the mining operator (at his expense) thereby ensuring a dependable and drinkable water supply to the residents whose water supply was affected by said mining operations.
- f. Back filling strip-cut operations.
  - (1) All strip mining operations shall be properly back filled according to current Pennsylvania Department of Environmental Protection Regulations.

- (2) Back filled land surface must be re-seeded with an appropriate grass seed mix to prevent run-off and sediment infiltration into any adjacent waterways, or mud flows onto adjacent property.

g. Reimbursement.

- (1) Any miming operation shall reimburse the Township of Adams fifty (50) cents a ton royalty for all coal or usable materials removed.

**§ 171402** Post-mining land use will be the same as pre-mining land use.

- a. Where a previously abandoned mine is re-mined, post-mining land use will be the same as the land use prior to the original mining.
- b. Changes in land use can be granted only by special exception, and only prior to commencement of mining activity.
- c. Where a change is requested, the mine operator must submit a plan which shows the feasibility of the proposed post-mining land use relative to land use trends and markets, a schedule showing how the proposed use will be developed and achieved, and the land owners approval of the plan.

**§ 171403** If sewage sludge is used for reclamation purposes:

- a. it must be from a sewage treatment plant whose waste stream is entirely residential,
- b. or, the sewage treatment plant must be in compliance, for at least the previous one year period, with an DEP approved pre-treatment plan.
- c. Sewage sludge will not be used where the post mining land use is agriculture.

**§ 171403** Mine operator's must permit the Adams Township Zoning Officer, any Adams Township Official, or any Township Police Officer free access to the site during all working hours to observe operations and/or collect samples.

**§ 171404** The Zoning Hearing Board may impose such other reasonable conditions and safeguards as may be necessary to protect the public health, safety, and welfare in accordance with the spirit and purpose of this Zoning Ordinance.

**171505** Must also comply with existing Township Ordinance.

## **SECTION 1715 Waste Disposal Standards and Requirements**

**§ 171501** Waste Disposal Activities are only permitted as a Special Exception in the Conservancy "S" Zone and are subject to the following regulations:

- a. An application for Special Exception shall include a copy of all materials submitted as part of the DEP permit application process. The Special Exception status will be conditional upon the issuance of the DEP waste disposal permit.
- b. No more than one hundred (100) acres of land shall be utilized for waste disposal at any one time within the boundaries of Adams Township. A single Special Exception may contain no more than fifty (50) contiguous acres.
- c. Waste disposal operations, including delivery, shall be conducted during normal business hours between 8:00 AM and 6:00 PM, Monday through Saturday. No waste disposal operations shall be permitted on Sunday.

- d. No waste materials of any type, which have been designated as hazardous, radioactive, or biohazard, and created or delivered by any corporation, hospital, utility, county, state, or federal agency shall be disposed of at the site at any time.
- e. The operator shall permit the Adams Township Zoning Officer, or any Adams Township Official, or any Adams Township Police Officer, free access to the site during all working hours to observe operations and/or collect samples.
- f. If a waste disposal site permit holder contaminates any drinking water supply he shall assume full responsibility for returning said water supply to its pre-contaminated state, as well as assume all costs of providing replacement water to all persons utilizing the contaminated water source during the period of time needed to restore said water supply to its pre-contaminated condition. Contamination as used herein shall mean any significant change in the drinking water's taste, color, smell, or chemical / biological analysis.
- g. All waste disposal activities shall be conducted so that no litter or airborne odors of an offensive nature are carried to any surrounding homes, businesses, or properties.
- h. All waste disposal activities shall maintain, at a minimum, the following setback requirements.
  - (1) A 2,600 foot horizontal distance from all residential structures
  - (2) A 2,600 foot horizontal distance from all municipal watershed areas
  - (3) A 1,000 foot horizontal distance from all perennial streams and wetlands
  - (4) A 500 foot horizontal distance from all adjoining property lines or public roads.

**§ 171502** At least 70 percent of all waste disposed as measured by weight and or volume within any special exception waste disposal area shall have originated within the state of Pennsylvania.

**ARTICLE XVIII**  
**SUPPLIMENTARY PROVISIONS:**

**SECTION 1801: Introduction:**

- § 180101 This section lists the rules and regulations governing supplementary uses and structures that may occur in the various zoning districts of Adams Township. These rules and regulations shall be applied to the listed supplementary uses as they pertain to the primary use in all zoning districts within the township.
- § 180102 If there is a conflict between the specifications listed in this article and another article within this zoning ordinance, the more stringent specifications shall apply.
- § 180103 If there is a conflict between the provisions listed in this article and another township ordinance previously adopted, the more stringent provisions shall apply.

**SECTION 1802: Parking and Loading Facilities:**

- § 180201 **Site Plan Marked:** All off street parking and loading facilities shall be indicated on the site plan as required under Article IV, §40502 of this ordinance.
- § 180202 **Extent of Control:** All buildings and and structures erected or altered and all land uses initiated in after the effective date of this ordinance shall provide off street parking and/or loading facilities as required herein.
- § 180203 **Increase in Size:** When a building or structure undergoes any increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified for off-street parking or loading facilities, off-street parking and loading requirements shall be determined by the entire building or structure as modified.

§ 180204 **Schedule of Off-Street Parking Requirements:**

Land Use	Number of Parking Spaces	Requirement Description
One and Two Family Dwellings	2	Each Unit
Three or more family Dwelling Units	2	Each Unit
Bowling Alley, Skating Rink , Indoor Swimming Pool or other Recreation Center,	1 plus 1	Every 4 customers at max capacity Every 2 regular employees at peak shift.
Club House/Meeting Place of Business, Civic, Fraternal, Labor Union, Sportsman or Veteran’s Organizations.	1 plus 1	Every 50 square feet of gross floor area of the building. Every 2 regular employees at peak shift.
Drive-in Restaurant, Fast Food Place	5 plus 1	Every 100 square feet of floor space. Every 2 regular employees at

		<b>peak shift</b>
<b>Indoor Eating or Drinking Establishment, Bar &amp; Grill, Tavern</b>	<b>1 plus 1 plus 1</b>	<b>Each table or booth Every two stools at bar or counter Every 2 regular employees at peak shift</b>
<b>Indoor Retail Business</b>	<b>1 plus 1 plus 1</b>	<b>Every 250 square feet of retail floor space Every 2 regular employees at peak shift Each business owned vehicle for operations.</b>
<b>Elementary School, Middle School, or Junior/Senior High School</b>	<b>1 plus  6</b>	<b>Each faculty member, administrator, and support personnel. Each classroom</b>
<b>Private or Parochial School</b>	<b>1 plus  6</b>	<b>Each faculty member, administrator, secretary and/or other support personnel. Each classroom</b>
<b>Land Use</b>	<b>Number of Parking Spaces</b>	<b>Requirement Description</b>
<b>Library, Museum, Art Gallery</b>	<b>1 plus 1 plus 1</b>	<b>Every 250 square feet of floor area. Each full time employee Each vehicle used in daily operations</b>
<b>Post Office</b>	<b>1 plus 1 plus 1</b>	<b>Every 250 square feet of floor area. Each full time employee Each vehicle used in daily operations</b>
<b>Medical Clinic, Dental Clinic</b>	<b>3 plus 1</b>	<b>Each attending doctor. Each full time employee/assistant.</b>
<b>Motel, Hotel, Bed &amp; Breakfast</b>	<b>1 plus 1 plus 1</b>	<b>Each sleeping room provided for transients. Each dwelling unit on premises. Every 2 regular employees</b>
<b>Professional Office Center</b>	<b>3</b>	<b>Every 1,000 sq. ft. of office space.</b>
<b>Outdoor Retail Business ( Nursery, lumber yard, concrete products, coal, gravel, sand, dirt yard, petroleum products)</b>	<b>2 plus 1 plus 1</b>	<b>Every 1,000 sq. ft. of lot area used for business. Each full time employee. Each vehicle used in daily operations</b>
<b>Public Automotive Service Garage</b>	<b>1 plus 1 plus</b>	<b>Every two full time employees Each gas pump.</b>

	<b>3 plus 1</b>	<b>Each grease rack or repair bay. Each vehicle used in daily operations.</b>
<b>Theater, Auditorium, Convention Center</b>	<b>1</b>	<b>Every 4 seats available at maximum capacity</b>
<b>Outdoor Sports Arena or Stadium</b>	<b>1</b>	<b>Every 6 seats available at maximum capacity</b>
<b>Transportation Terminal</b>	<b>1 plus 1</b>	<b>Every 100 square feet of waiting room floor space. Every 2 regular employees during peak shift.</b>
<b>Place of Worship</b>	<b>1</b>	<b>Every 4 permanent seats in the building</b>

**§ 180205 Off-Street Loading Requirements:**

- a. Every building or structure used for business, trade or industry shall provide space as herein indicated, for the loading and unloading of vehicles off the street or public alley. Such space shall have direct access to a public alley or, if there is no alley to a street.
- b. Off-street loading and unloading space shall be in addition to the requirements of off street parking space.
- c. Off Street loading and unloading space shall not be used or designated, intended, or constructed to be used in any manner to obstruct or interfere with a free use of any street, alley , or adjoining property.
- d. Off street loading and unloading spaces shall have a minimum width of 12 feet and a minimum length of 100 feet.
- e. The following off-street loading and unloading space requirements shall be provided:

<b>Land Use</b>	<b>Number of Loading Spaces</b>	<b>Requirement Description</b>
<b>Multi-family Multi-story Building</b>	<b>1</b>	<b>Every ten (10) dwelling units.</b>
<b>Commercial Retail Building</b>	<b>1</b>	<b>Every 10,000 sq. ft. retail floor space.</b>
<b>Manufacturing Building</b>	<b>1</b>	<b>Every 15,000 sq. ft. manufacturing shop area</b>
<b>Warehouse or Storage Terminal</b>	<b>1</b>	<b>Every 7,500 sq. ft. of floor area.</b>
<b>Shopping Center/ Mall</b>	<b>1</b>	<b>Each Retail Facility in the Center/Mall</b>
<b>Land Use</b>	<b>Number of Loading Spaces</b>	<b>Requirement Description</b>
<b>Transportation Terminal</b>	<b>1</b>	<b>Every transportation unit/ service offered.</b>
<b>Outdoor Bulk Commercial Facility</b>	<b>1</b>	<b>Every Bulk Product Offered.</b>

<b>Meat Packing or Dairy</b>	<b>1</b>	<b>Every 7,500 sq. ft. floor space.</b>
<b>Lumber Yard</b>	<b>1</b>	<b>Every 15,000 sq. ft. storage area.</b>

f. For any land use not listed herein, the land owner and/or developer shall submit a Request for Determination of Off-street Parking/Loading Facilities to the Adams Township Zoning Officer along with a site plan prior to requesting a building permit.

- (1) The Zoning Officer shall forward the request and site plan to the Adams Township Engineer within ten days of receiving said request.
- (2) The Adams Township Engineer or his Designee shall review the request and site plan and make a written determination within 30 days of receiving the request from the Zoning Officer.
- (3) The written determination of Off-street Parking/Loading Facility Requirements shall be issued to both the land owner/developer and the Zoning Officer to be included with a building permit request.
- (4) If no written determination of Off-street Parking/Loading Facility Requirements are given within the stated 40 day time limit, it shall be determined that no parking/loading facility requirements are needed for the project and a building permit may be issued for the stated land use, provided all other requirements of this ordinance have been met.

**§ 180206 Parking Lot and Facility Design:** The following minimum standards for parking areas and access aisles shall apply.

<b>Angle of Parking</b>	<b>Parking Space Width</b>	<b>Parking Space Depth</b>	<b>One Way Aisle Width</b>	<b>Two Way Aisle Width</b>
<b>90 Degrees</b>	<b>10 Feet</b>	<b>20 Feet</b>	<b>20 Feet</b>	<b>24 Feet</b>
<b>60 Degrees</b>	<b>10 Feet</b>	<b>21 Feet</b>	<b>18 Feet</b>	<b>21 Feet</b>
<b>45 Degrees</b>	<b>10 Feet</b>	<b>20 Feet</b>	<b>15 Feet</b>	<b>18 Feet</b>
<b>30 Degrees</b>	<b>10 Feet</b>	<b>18 Feet</b>	<b>12 Feet</b>	<b>15 Feet</b>
<b>Parallel</b>	<b>8 Feet</b>	<b>22 Feet</b>	<b>12 Feet</b>	<b>18 Feet</b>

a.. Entrance and exit ways shall have a minimum width of 12 feet Fort each plane of traffic entering or leaving decide but shall at no time exceed thirty feet in width at the street line.

b. All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.

c. Evergreen plantings shall be provided of sufficient height and density to screen off street parking from adjoining residential districts. a planting plans specifying type, size, and location of existing and proposed planting material shall be submitted with the application for the permit .

d. Entrance and exit ways and interior access ways shall be designed so as to prevent



the blocking of vehicles entering or leaving the parking area.

**180207 Location:** Required parking spaces shall be provided on the same lot as the buildings served. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the parking lot.

**180208 Access to Adjacent Street:**

- i. The access lane to a parking lot shall be a minimum width of twenty (20) feet and maximum width of forty (40) feet.
- ii. the minimum centerline distance between any to curb cut or access points to a parking lot shall be one-hundred fifty (150) feet.
- iii. Signs designating entrances, exits, and conditions of use shall not exceed twenty (20) square feet and shall be erected in a manner which will not restrict the site distance of persons entering or leaving the parking lot.

**180209 Screening and Buffer Requirements:**

1. Whenever a parking lot abuts a public street a structurally sound wall or planting strip shall be installed.
2. Whenever a parking lot abuts a residential district or residential property, a landscaped buffer strip with a minimum width of 10 ft. and a minimum height of 6 ft. shall be developed in a manner which will screen the parking lot from the residential property or district.

**180210 Surfacing Requirements:** All off street parking spaces, except those accessory to a single-family residential dwelling, shall be improved with a compacted based servers with all-whether dust-less material of adequate thickness to support the weight of fully loaded vehicles which customarily park or travel on it.

**180211 Lighting Requirements:** Any lighting used to illuminate an off street parking area shall be so arranged as to direct the light inward away from adjoining properties.

**180212 Storm Drainage Requirements:** Adequate storm drainage facilities shall be designed an installed in accordance with accepted engineering practices. All surface water shall be collected and or divergent in a manner which does not flow onto the surface of adjacent streets, sidewalks, or properties.

**SECTION 1803: Swimming Pools:**

180301 Definitions:

- a. A **private swimming pool** is any in the ground or prefabricated installation above the ground, not located within an enclosed building, designed to impound or hold water to a depth of 1 1/2 feet or greater.
- b. A **community or club swimming pool** is any such pool constructed by an association of property owners or by a private club solely for the use and enjoyment of its members, their families and guests without charge.
- c. A **public swimming pool** is any pool constructed by a person, company,

corporation, or association for the purpose of charging admission to gain access or use of the swimming pool or its accessory facilities.

**§ 180302** Private Swimming Pools shall not be permitted as an accessory use in any zoning district unless it fully complies with the following conditions and requirements.

- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.
- b. The pool may not be located, including any decks its or paved areas or accessory structures adjacent thereto, closer than 15 feet to any property line of the property on which is located.
- c. A wall or substantial fence not less than six feet high must be constructed to entirely surround the swimming pool or the entire property on which the pool is located, so as to prevent uncontrolled access by children from the street or from adjacent properties. This will be erected prior to water being added.

**§ 180303 Community, Public and club swimming pools** shall comply with the following conditions and requirements.

- a. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which the pool is located.
- b. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition.
- c. The areas surrounding the enclosure , except for the parking spaces, shall be suitably landscaped with grass, hearty shrubs and trees, and maintained in good clean condition.

**§ 180304** All swimming pools shall conform to the Pennsylvania Department of Environmental Protection rules and regulations concerning their installation and upkeep.

#### **SECTION 1804: Storm water Management:**

**§ 180401 Non affected water flow:** No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect the normal or flood flow of any permanent stream or water course without having obtained prior approval and an impoundment permit from the Adams Township Board of Supervisors and or the Department of Environmental Protection, whichever is applicable.

**§ 180402 Zero increase in runoff:** No person, corporation, or other entity shall construct any building or structure, or make any alteration to a property that causes an increase in the runoff of water due to rain, sleet, or snow storms that is greater than such runoff as would occur before said alteration or construction..

- a. Lots shall be laid out and graded to provide positive drainage away from buildings.
- b. The township may require a Grading and Drainage Plan for individual lots indicating

a building will area within each lot, complying with the setback requirements, for which positive drainage is assured. its

- c. Where a subdivision or land development is traversed by a natural water course, their shall be provided a drainage easement or right-of-way conforming substantially with the line of such water course and of such width has will adequately preserve the natural drainage.
- d. The sub-divider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to do the following:
  - (1) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural water course of the drainage area.
  - (2) Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the comprehensive plan for Adams Township.
  - (3) Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property, and downstream property.
  - (4) All such structures and facilities shall satisfactorily convey all surface waters to the nearest practical storm water conveyance system..
- e. Storm sewers, culverts, and related installations shall be provided as to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area being drained.
- f. Storm sewers, as required, shall be placed in front of the curb or curb line when located in the street right-of-way. When located in undedicated land, they shall be placed within an easement not less than 15 feet wide, and approved by the Adams Township engineer, who may require additional width of easement as circumstances warrant.
- g. All springs and sump pump discharges shall be collected so as not to flow in the streets.
- h. Storm water roof drains shall not discharge water directly over a sidewalk.
- i. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.

**§ 180402 Runoff calculation methods:** The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture **shall be used** as the primary means of estimating storm water runoff.

- a. The Rational Method may be used for analysis of storm sewer systems and for storm water management facilities in minor subdivisions.
  - (1) Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
  - (2) The minimum design criteria shall be a ten (10) year storm.

- b. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.
- c. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

**§ 180403** Control facilities shall conform to the following:

- a. Permanent control measure/facilities shall be designated to assure that the maximum rate of storm water runoff is not greater after development than prior to development for a ten (10) year storm frequency.
- b. Criteria that are more stringent may be required in sensitive areas where storm water problems presently exist.
- c. In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining.
- d. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the municipality, a lining shall be required.
- e. Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence of a type subject to the approval of the municipality.
- f. A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.
  - (1) Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
  - (2) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before the Adams Township Board of Supervisors gives approval of final plans.
- g. In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner's association). In such cases a legally binding agreement between the owner and Adams Township shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by Adams Township.

**SECTION 1805: Erosion and Sediment Control:**

**§ 180501** In order to control accelerated erosion and the resulting sediment solution to wastes of the Commonwealth, earth moving activities shall be subject to the following regulations.

- a. Any person, landowner, business, or corporation engaging in any earthmoving activities (including commercial timbering) shall develop, implement, and maintain erosion and sediment control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of the Commonwealth.
- b. These controls shall be contained in an erosion and sediment control plan that meets the requirements of the Department of Environmental Protection, Chapter 102

*“Erosion Control Regulations”.*

§ 180502 A copy of the erosion and sediment control plan that has been approved by the DEP or the Cambria County Conservation District must be available at the earth moving site at all times.

**SECTION 1806: Oil and Gas Drilling Activities:**

§ 180601 Oil and gas wells shall not be drilled within 500 feet of residential structures and water supply springs or wells unless written approval is received from the owner of the structure or water supply to drill within 500 feet.

§ 180602 The erosion and sediment plan and controls must comply with Section 1805 of this ordinance.

- a. A copy of the permit application and related materials submitted to Pennsylvania DEP must be submitted to the Adams Township Board of Supervisors.
- b. All wastes must be disposed of in accordance with the Pennsylvania Clean Streams Law and the Oil and Gas Act (Act 223) and regulations promulgated thereunder.
- c. There shall be no road spreading of production brines for dust control and no use of production brines on anti-skid material.

§ 180603 Township roads that are to be used to access a well site during drilling activities must be covered by a bond that covers all costs involved in repairing and or replacing damaged roadways caused by such activities.

**SECTION 1807: Satellite Dishes, Antennas, Communication/Cell Phone Towers:**

§ 180701 It is the express purpose of this section of the zoning ordinance to minimize the visual and environmental impacts of communications towers and facilities by requiring the review and approval of communication towers and facilities by the Adams Township Planning Commission in keeping with the townships existing ordinances and historic development patterns, including size and spacing of structures and open spaces.

- a. The regulation of communication towers and facilities is consistent with other planning efforts of the township to further the conservation and preservation of developed, natural and undeveloped areas, flora, and habitats for endangered species; protection of natural resources, sustainable economic growth, the provision of adequate capital facilities; and the preservation of historical , cultural, archaeological, architectural and recreational values.
- b. This section is intended to be used in conjunction with, and be consistent with, other regulations of the township, including floodplain and subdivision ordinances. It is designed to encourage appropriate land use, environmental protection, and provision of adequate infrastructure in Adams Township.

§ 180702 **Definitions:** The following terms and definitions shall apply to this section with reference to communication towers.

**“Above Ground Level (AGL),”**

A measurement of height from the natural grade of a site to the highest point of the structure.

**“Antenna ,”**

The surface from which wireless radio signals are sent and received by a personal wireless service facility.

**“Camouflaged,”**

A communication tower or facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."

**“Carrier,”**

A company that provides communications services.

**“Co – location,”**

The use of single mount on the ground by more than one carrier (vertical co - location) and / or several mounts on an existing building or structure by more than one carrier.

**“Cross - polarized ( or dual - polarized) antenna,”**

A low mount that has three panels flush mounted or attached very close to the shaft.

**“Elevation,”**

The measurement of height above sea level.

**“Environmental Assessment (EA),”**

A document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a communication tower or facility is placed in certain designated areas.

**“Equipment Shelter,”**

An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

**“Fall Zone,”**

The area on the ground within a prescribed radius from the base of a tower. The fall zone is the area within which there is a potential hazard from falling debris ( such as ice) or collapsing material.

**“Functionally Equivalent Services,”**

Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio, and Paging.

**“Guyed Tower,”**

A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

**“Lattice Tower,”**

A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

**“Licensed Carrier,”**

A company authorized by the FCC to construct and operate a commercial mobile radio services system.

**“Monopole,”**

The type of mount that is self supporting with a single shaft of wood, steel, or concrete and a platform or racks for panel antennas arrayed at the top.

**“Mount,”**

The structure or surface which antennas are mounted, including the following four types of mounts:

1. Roof mounted. Mounted on the roof of a building.
2. Side mounted. Mounted on the side of a building.
3. Ground mounted. Mounted on the ground.
4. Structure mounted. Mounted on a structure other than a building.

**“Omni-directional (whip) antenna,”**

A thin rod that beams and receives a signal in all directions.

**“Panel antenna,”**

A flat surface antenna usually developed in multiples.

**“Personal Wireless Service Facility,”**

Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

**“Personal Wireless Services,”**

The three types of services regulated by this ordinance.

**“Radio Frequency (RF) Engineer,”**

An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**“Radio Frequency Radiation (RFR),”**

The emissions from communications facilities.

**“Security Barrier,”**

A locked, impenetrable wall, fence, or berm that completely seals and area from unauthorized entry or trespass.

**“Separation,”**

The distance between one carrier's array of antennas and another carrier's array.

**§ 180703** Communications towers are permitted as a principal use in the “A” and “S” districts subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in the Zoning Ordinance, imposed elsewhere by law, and subject to the following:

- a. A minimum setback distance equal to the height of the tower, as measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.
- b. An additional distance restriction set back equal the height of the tower plus two hundred (200) feet from all “R” districts, the “U” district and the “H” district, and from the nearest part of any existing dwelling, school, church or institution

for human care, in any other district.

- c. A setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts.
- d. Site plan approval by the Adams Township Planning Commission, Zoning Officer, or Zoning Hearing Board pursuant to Article XXI, SECTION 2104 of this Ordinance.

**§ 180704** Communications towers may be permitted as a conditional use in the “AR-1” district subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in this Zoning Ordinance, imposed elsewhere by law, and subject to the following:

- a. A minimum setback distance equal to the height of the tower, as measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.
- b. An additional distance restriction set back equal the height of the tower plus two hundred (200) feet from all "R" districts, the "U" district and the "H" district, and from the nearest part of any existing dwelling, school, church or institution for human care, in any other district.
- c. A setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts.
- d. Conditional use is subject to site plan approval by the Planning Commission pursuant to ARTICLE XXI, SECTION 2104 of this ordinance.

**§ 180705 Communications tower complexes** may be permitted as a conditional use in the “C” and, "L-1" districts subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in this ordinance, imposed elsewhere by law, and subject to the following:

- a. A minimum setback of a distance equaling twice the height of the towers. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.
- b. A minimum distance requirement of a distance equaling twice the height of the tower plus 200 feet from all "R" districts, the "H" district and the "U" district or the nearest part of any existing dwelling, school, church or institution for human care, in any other district.
- c. A minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts.
- d. Site plan approval by the Adams Township Planning Commission, Zoning Officer, or Zoning Hearing Board pursuant to Article XXI of this Ordinance.

**§ 180706 Communications towers are prohibited** in "R-2", "R-3" districts, the "U" district and the "H" district.

**§ 180707 Needs Shown:** No permit to construct a communications tower may be issued unless the applicant demonstrates to the Zoning Officer or, where applicable, to the Adams Township Zoning Board **the need** for the tower and that the applicant has exhausted all alternatives to constructing a tower.



- a. Applicants are required to prove such need by:
  - (1) Demonstrating via statement or other evidence that, in terms of location and construction, there are no existing towers, buildings, structures, elevated tanks, etc., able to provide the antenna platform required.
  - (2) Providing evidence, including coverage diagrams and technical reports, demonstrating that co-location on existing sites is not technically possible in order to serve the desired need.
- b. Evidence that Co-location is not possible includes statistics showing:
  - (1) Planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
  - (2) Planned equipment will cause RF interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost;
  - (3) Existing or approved towers do not have 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 impracticable to place the equipment planned by the applicant on existing and approved towers.
- c. Other information may be required to support such needs claims.

**§ 180708** If it is determined that a need exists, an application for a Building Permit/Construction Certificate may be considered pursuant to the following requirements.

- a. An application for a Building Permit/Construction Certificate for a communications tower must be accompanied by an affidavit from the applicant stating that space on the proposed tower will be made available to future users, when possible.
- b. Except as required by law no tower may use artificial lighting or strobe lighting at night.
  - (1) Facilities shall be lighted only if required by the Federal Aviation Administration (FAA) or other federal or state agencies.
  - (2) Such lighting shall be for safety purposes only.
  - (3) Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties.
  - (4) There shall be total cutoff of all light at the property lines of the parcel to be developed, and foot-candle measurements at the property line shall be 0.0 initial foot-candles when measured at grade.
- c. Signs shall be limited to those needed to identify the property and the owner and warn of any danger.
  - (1) All signs shall comply with the requirements of the sign regulations as listed in Article XIX of this ordinance.
- d. All ground mounted facilities shall be surrounded by a security barrier.

- e. No hazardous waste shall be discharged on the site of any communication facility.
  - (1) If any hazardous materials are to be used on the site, there shall be provisions for full containment of such materials.
  - (2) An enclosed containment area shall be provided with a sealed floor, designed to contain 110% of the volume of the hazardous materials stored or used on the site.
- a. Communication facilities shall not generate noise in excess of 50 dB at the property line.
- b. All equipment proposed for a communication facility shall be authorized per the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines).
- c. An applicant for a Building Permit/Construction Certificate for a communications tower must execute an agreement and surety with Adams Township, in a form legally sufficient to the township, requiring the removal of the tower within six months after the tower ceases to function as a communications tower.

**§ 180710** In reviewing any application or site plan under this Section, The Adams Township Planning Commission, the Zoning Officer or the Zoning Hearing Board, which ever is applicable, shall consider, among other things, the extent to which the proposed use seeks to:

- a. Minimize adverse visual effects of towers through careful design, siting and vegetative screening;
- b. Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
- c. Lessen traffic impacts on surrounding residential areas;
- d. Maximize the use of new communications transmission towers in order to reduce the number of towers needed; and
- e. Demonstrate that comparable sites are not available in nonresidential or rural areas, where the use is proposed in a residential or conservation zone when otherwise protected from residential development.

**§ 180711 Referrals:** The Adams Township Planning Commission, Zoning Officer, or Zoning Hearing Board can refer any application for a Communications Tower, Satellite Dish, Antenna, Cell Phone Tower or other Communications Utility Facility to appropriate agencies for comments and/or recommendations pursuant to the issuing of a building permit for such request.

**§ 180712 Application Filing Requirements:** The following shall be included with an application for a Special Use Building Permit for all communication towers and facilities:

- a. General Filing Requirements:
  - (1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicant.
  - (2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the communication facility.

- (3) A licensed carrier shall be either an applicant or a co-applicant.
  - (4) Original signatures for the applicant and all co-applicants applying for the Special Use Permit..
- b. Location Filing Requirements:
- (1) Identify the subject property by including the property address.
  - (2) Tax map and parcel number of subject property.
  - (3) Zoning district designation (if any).
  - (4) A county wide map showing the other existing communication facilities in Cambria County.
  - (5) The proposed locations of all existing and future communication facilities in Cambria County for this carrier.
- c. Site Plan Filing Requirements: A one inch equals 40 feet drawing showing the following:
- (1) Property lines for the subject property.
  - (2) Property lines of all properties adjacent to subject property and within 300 feet.
  - (3) Tree cover on the subject property and adjacent properties, by dominant species and average height, as measured by or available from a verifiable source.
  - (4) Outline of all existing buildings, including use on subject property and within 300 feet.
  - (5) Proposed location of antenna, mount, and equipment shelter(s).
  - (6) Proposed security barrier, indicating type and extent as well as point of controlled entry.
  - (7) Location of all roads, public and private, on the subject property and within 300 feet including driveways.
  - (8) Distances at grade from the communication facility to each building on the site plan.
  - (9) Contours at two feet intervals.
  - (10) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
  - (11) Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction on the property.
  - (12) Lines representing the sight line showing viewpoint and visible point.
- d. Sight lines and photographs required as described below:
- (1) A sight line representation shall be drawn from any public road within 300 feet and the nearest facade of each residential building within 300 feet to the highest point of the facility.
  - (2) The profiles shall show all intervening trees and buildings.

- (3) Existing condition photographs. Each sight line shall be illustrated by one color photograph of what can currently be seen from any public road within 300 feet.
- (4) Proposed condition photographs. Each existing condition photograph shall have super imposed on it the proposed facility as seen from any public roads.

e. Design Filing Requirements:

- (1) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size and species.
- (2) A balloon or crane test at the proposed site to illustrate the height of the proposed facility.
- (3) The date, time and location of such test shall be advertised in an newspaper of general circulation in the County at least 14 days prior to the test.

f. Noise Filing Requirements:

- (1) The applicant shall provide a statement listing the existing and maximum projected measurements of noise from the proposed facility, measured in Ldn. Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate.

g. Radio Frequency Radiation (RFR) Filing Requirements:

- (1) The applicant shall provide a certification signed by a RF engineer, stating that projected RFR measurements are accurate and meet FCC Guidelines.
- (2) The applicant shall provide a certification by an engineer that all National Environmental Policy Act requirements have been approved by the FCC.

h. Waiver: The Zoning Officer may waive one or more of the application filing requirements of this section if it is found that such information is not needed for a thorough review of a proposed facility.