

Chapter 27

Zoning

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Part 1**Short Title; Purpose; Objectives****§27-101. Short Title.**

This Chapter shall be known as the “Covington Township Zoning Ordinance of 2012.”

(*Ord. 12-10-12(E)*, 12/10/2012, §27-101)

§27-102. Purpose.

The regulations of this Chapter are made in accordance with an adopted Comprehensive Land Use Plan and are designed to:

A. Promote, protect and facilitate the public health, safety, morals, general welfare, practical community development, proper density of population, the provision of adequate light and air, police protection, parking and loading space, transportation, water, sewage and other public requirements.

B. Prevent overcrowding of land, blight, danger and congestion in travel, loss of health, life or property from fire, flood or other dangers.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-102)

§27-103. Objectives.

This Chapter is adopted to implement the Covington Township Comprehensive Plan and upon enactment of this Chapter, the Township shall be guided in decisions related to the goals and objectives presented in the Comprehensive Plan.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-103)

§27-104. Scope.

After the effective date of this Chapter, the use of all land and every building or structure or portion of the building or structure erected, altered with respect to height or area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Township shall be in conformity with the provisions of this Chapter. Any lawfully existing use, building or land not in conformity with the regulations on the effective date of this Chapter herein described shall be regarded as nonconforming, and may be continued, extended or changed subject to the special regulations provided herein with respect to nonconforming buildings, structures or uses.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-104)

Part 2**Interpretations and Definitions****§27-201. Interpretations.**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Chapter:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular shall include the plural; words used in the plural shall include the singular.
- C. The words “shall” and “will” are always mandatory.
- D. The word “may” is permissive.
- E. The words “person,” “owner,” or “developer” includes all profit or nonprofit corporations, companies, partnerships, associations or individuals.
- F. The words “used” or “occupied,” as applied to any land or building, include the words “intended,” “arranged,” “designed,” “constructed,” “altered,” “converted,” “rented,” or “leased.”
- G. The word “building” includes “structure” and any part thereof.
- H. The word “lot” includes the words “plot” or “parcel.”
- I. The word “includes” or “including” shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.
- J. Throughout this Chapter, “district” and “zone” are used interchangeably.

(Ord. 12-10-12(E), 12/10/2012, §27-201)

§27-202. Definitions.

Unless otherwise expressly stated, for the purposes of this Chapter, the following words, terms and phrases shall have the meaning herein indicated:

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

Accessory use—a use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Act 247—the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended, and all future amendments.

Adult entertainment—adult book stores, topless or bottomless bars, theaters, dance clubs, massage parlors, and similar establishments providing entertainment and/or the retail sale of books, magazines, newspapers, movies, slides, films devices or other photographic or written reproductions depicting nudity or sexual conduct.

Antenna—a device used to collect or transmit telecommunications or radio signals.

Area, building—the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, patios, terraces and steps.

Area, lot—the area of a horizontal plane bounded by the front, rear and side lines of a lot.

Bed and breakfast—a nonrestaurant, short-term, transient lodging allowed in a residence that provides pre-arranged meals only to a limited number of lodgers, as qualified persons. It must be owner-occupied, with a minimum of signs, no special external appearance, with off-street parking required on the site screened from neighbors. Lodgers are limited to a 14-day stay to avoid becoming multi-family rental dwellings.

Board of Supervisors—the Township Board of Supervisors.

Building—any structure used for the shelter, housing or enclosure of persons, animals or property. The word “building” includes “structure” and shall be construed as if followed by the phrase, “or part thereof.”

Building coverage—that percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports and breezeways but excluding open patios and porches, terraces and steps).

Building, frontline of—the line of that face of the building nearest the frontline of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps or patios.

Building height—the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks and similar projections.

BMPs—best management practices or working guidelines to minimize the impact of human activities such as forestry operations.

Bumper trees—trees intentionally left standing adjacent to skid trails and roads to protect residual trees from damage when harvested timber is being moved.

CAFO—concentrated animal feeding operations, large feedlot type operations for hogs, cattle, or fowl.

Cellular telecommunications facility—a facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Concurrent reclamation—the restoration of land to its original contours and condition. The restoration shall commence on lands already worked while work progresses on other land.

Conditional use—a use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain sites within a district only when in compliance with specific criteria and conditions. Conditional uses are granted by the Board of Supervisors.

Convenience store—a retail sale business which includes gas stations and the preparation and sale of food.

Core bore—a cylindrical hole drilled vertically into the crust of the earth to make observations concerning the state of or condition of the crust.

Deep mine—a horizontal or near horizontal tunnel into the crust of the earth. There may be openings on the surface, but the bulk of the tunneling is beneath the normal surface of the ground.

District—a territorial division marked off or delineated by boundaries relating to types of land use as designated by this Chapter.

Dwelling—a building or portion thereof designed or used as the living quarters for one or more persons. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, hospital, nursing home, bed and breakfast, dormitory, fraternity or sorority house or other student residence as defined herein. A travel trailer/RV is not considered a dwelling.

Dwelling, single-family detached—a dwelling unit accommodating a single-family and having two side yards, including a mobile home.

Dwelling, single-family semi-detached—two dwelling units accommodating two families which are attached side by side through the use of a party wall and having one side yard adjacent to each dwelling unit.

Dwelling, two-family detached—two dwelling units accommodating two families entirely separated by vertical walls or horizontal floors, and having two side yards.

Dwelling, two-family semi-detached—four dwelling units accommodating four families, two units which are attached side by side to the other two units through the use of a party wall, and having one side yard adjacent to each first story unit.

Dwellings, multiple—three or more dwelling units accommodating three or more families living independently of each other.

Dwelling unit—one or more rooms, including complete kitchen (or kitchenette) and sanitary facilities in a structure or portion thereof, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

Easement—authorization by a property owner for use by another of any designated part of his property for a specified purpose.

Enforcement officer—that person designated by the Board of Supervisors to carry out the administration and enforcement of this Chapter.

Essential service installations—the construction, erection, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or agencies or for the public health or safety or general welfare.

Extraction use—extraction use shall include the mining and quarrying of coal, sand, clay, dolomite, shale, sandstone, gravel, topsoil, and similar materials, including borrow pits (excavations for removing material and filling operations) which exceed 2,000 tons in any 1-year period.

Extraction wall—an abrupt embankment or escarpment where extraction activity had ended or terminated either temporarily or permanently.

Facility for oil and gas staging—a temporary location where equipment and/or material are assembled prior to their use at an oil or gas drilling site.

Family—one or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

Farm—any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables and dog kennels.

Forestry activities—the management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Garage, private—an enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises.

Gas station—any premises used for supplying gasoline, oil, minor accessories and service for automobiles at retail direct to the motorist consumer, including the making of minor repairs but not including major repairs, such as spray painting body, fender, clutch, transmission, differential, axle, spring and frame repairs, major overhauling of engines requiring removal there from the cylinder head or crankcase pan, repairs of radiator requiring removal thereof, complete recapping or retreading of tires.

Haul road—a road designed for use by trucks to transport harvested timber from the log landing to its destination.

Home occupation—any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than signs as provided herein; including, but not limited to, the following occupations: the professional practice of medicine, dentistry, architecture, law and engineering; artists, beauticians, barbers and veterinarians, excluding stables or kennels; and does not permit the employment of more than two persons not living on the premises.

Hunting camp—a seasonal dwelling unit including mobile homes and travel trailers but not to include stripped down vehicles.

Industrial / commercial equipment storage facility—a facility or location used for the storage, staging or repair of equipment, inventory or vehicles used to support an industry or a commercial business.

Intermittent stream—streams that do not flow continuously throughout the year.

Junk—any worn, cast-off or discarded article or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered to be junk.

Junkyard—the use of any lot for the storage, keeping or abandonment of junk, including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. A “junkyard” shall include an automobile graveyard or motor vehicle graveyard.

Large manufacturing—manufacturing operations which occupy or require 5 acres or more or have 25 or more employees.

Log landing—the area at the end of a skid road where harvested timber is stored or prepared for transport from the woodlot.

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

Lot area—the area of a horizontal plane bounded by the front, rear and side lines.

Lot depth—the mean horizontal distance between the front lot line and the rear lot line.

Lot, interior—a lot other than a corner lot.

Lot lines—the property lines bounding the lot.

Lot line, front—the line separating the lot from a street.

Lot line, rear—the lot line opposite and most distant from the front lot line.

Lot line, side—any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot width—the mean horizontal distance between the side lot lines, measured parallel to the front lot line.

Lot, nonconforming—any lot which does not conform with the minimum width, depth and area dimensions specified in this Chapter for the district in which said lot is located.

Lumber processing—the act of turning tree logs into usable products including, but not limited to, the following: sawing, drying and planing of lumber, composting of byproducts, sale of products.

Mobile home—a transportable, single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real

estate, used for residential purposes, and constructed with the same, or similar, electrical, plumbing and sanitary facilities as immobile housing, but excluding prefabricated homes or sections thereof and also excluding travel trailers as defined herein.

Mobile home court or park—a parcel of land which has been planned for the placement of two or more mobile homes.

No-impact home-based business—a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business us; including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

Nonconforming structure—a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming use—a use, whether of land or structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

Oil and gas operations—

- (1) Well location assessment, including seismic operations, well site preparations, construction, drilling, hydraulic fracturing and site restoration

associated with an oil or gas well of any depth.

(2) Construction, installation, use, maintenance and repair of:

(a) Oil and gas pipeline.

(3) Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in subparagraphs (1) and (2), to the extent that:

(a) The equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant.

(b) The activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

Perennial—stream or wetland that contains water at or near the surface throughout the year.

Primary waste handling facility—any processing and/or treatment of solid or liquid waste (including, but not limited to, incineration, composting, steaming, shredding, compaction, material separation, recycling, refuse derived fuel, pyrolysis, etc.).

Principal permitted use—any use of land or building which is specifically permitted within a specific zoning district under the provisions of this Chapter.

Principal use—the major or dominant use of a lot or structure.

Public hearing—a meeting open to the general public held pursuant to proper “public notice.”

Public notice—notice published at least once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 7 from the date of the hearing.

Public right-of-way—land reserved for use as a street, alley, interior walk or for other public purposes.

Public uses, appropriate—includes public and semipublic uses of a welfare or educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports, fraternal clubs and homes; and nonprofit recreational facilities.

Reclamation plan—a series of steps and/or actions to return land to its original contour and condition.

Road—a public way, which affords principal means of access to abutting properties.

Sawmills or planing mills—mills intended for the primary processing of timber or saw logs into lumber and shall exclude any secondary processing of the lumber thus produced.

Seasonal home—a seasonal home is a structure which is utilized principally for recreation activity. It is not utilized as a domicile or residence for any individual for any time period, is not for commercial purposes, is not greater than two stories

in height, excluding basement. It is not utilized by the owner or any other person as a place of employment, is not used as a mailing address for bills and correspondence and is not listed as an individual's place of residence on a tax return, driver's license, car registration or voter registration.

Seasonally wet—wetlands that have water at or near the surface only during periods of abundant rainfall or snowmelt.

Sight distance—the distance which can be seen under normal conditions from a given point on the surface of the earth.

Site plan—a plan depicting existing and/or proposed activities relating to the use of a parcel of land.

Skid road—a road designed for frequent use by skidding equipment.

Skid trail—a trail requiring less construction than a skid road because it is used less frequently by skidding equipment.

Small manufacturing—manufacturing operations which occupy or require less than 5 acres or have fewer than 25 employees.

Solid waste—garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such waste shall not include biological excrement or hazardous materials.

Solid waste disposal—the elimination of or removal of solid waste normally through the (1) depositing of solid waste in a planned, controlled manner, (2) compacting the discarded matter in layers to reduce its volume, (3) covering the discarded material with a layer of earth, and (4) compacting the earth cover.

Special exception uses—land uses which are generally compatible in a district but which present unique problems in their placement because of noise, odors, smoke, heavy traffic, the handling and/or storage of noxious or dangerous materials, etc. Special exceptions must comply with specified criteria and are approved by the Zoning Hearing Board.

Stacking lanes—areas where vehicles can park while waiting to be serviced.

Telecommunications equipment building—the structure in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

Tourist home—see “bed and breakfast.”

Tower—a structure intended to support equipment used to transmit and/or receive telecommunications signals.

Travel trailer—any vehicle or structure designed and constructed in such manner as will permit temporary occupancy thereof as sleeping quarters for one or more persons or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device) and so designed that it is, or may be mounted on wheels and used as a conveyance on highways, roads and streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

Travel trailer park—any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any travel trailer and upon which any travel trailer

are parked and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the travel trailer park and its facilities or not. "Travel trailer park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for the purposes of inspection and sale.

Total reclamation—returning the land to its original contours and conditions at the end of use rather than as the work is being done.

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

Use, mixed—the occupancy of a building or of a lot for more than one use, such as: both a business and a residential use; both an industrial and residential use, etc.

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

Viewline—all those surfaces which may be viewed from a single point on the earth's surface under normal conditions.

Water dilution, water treatment and / or water processing facility—a facility used to dilute, store, treat, process or change the composition of water by thinning, adding chemicals, removing impurities, or any other action that changes the molecular composition of the water.

Water impoundment—a facility built by dams, dykes, and/or levees, or otherwise, for the purpose of storing water for commercial or private use.

Wetland—areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wind energy facility—an electric generating complex of wind towers, whose main purpose is to supply electricity, consisting of one or more wind towers as the primary use and other accessory structures and buildings, including sub-stations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind tower—the total structure for converting wind sources into electricity through a system using a wind generator that includes the nacelle, rotor, blades, tower, foundation, and pad transformer with transmission lines sending the electricity to a power substation.

Yard—an open space which is unoccupied and unobstructed from the ground upward on the same lot with a building or structure.

Yard, front—a minimum required open space on the same lot with the principal building, extending the full width of the lot and situated between the street right-

of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, rear—a minimum required open space between a principal building and the rear lot line extending the full width of the lot.

Yard, side—a minimum required open space between a principal building and a side lot line, extending from the front yard to the rear yard. Any lot line not a rear or a front line shall be deemed a side line.

Zoning Hearing Board—the Zoning Hearing Board of Covington Township as duly constituted by and established pursuant to this Chapter.

Zoning Officer—the individual authorized by the Covington Township Board of Supervisors to be the administrator of the daily application and enforcement of the provisions of this Zoning Ordinance.

Zoning permit—a statement signed by the Zoning Officer indicating that the application for permission to construct or use is approved and in accordance with the requirements of this Chapter.

(Ord. 12-10-12(E), 12/10/2012, §27-202)

§27-203. Interpretation of Regulations.

In interpreting the language of this Chapter to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restrictions.

(Ord. 12-10-12(E), 12/10/2012, §27-203)

§27-204. Uses Not Provided for.

Whenever, under this Chapter, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use; the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such requests as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications. The use may be permitted if it is similar to and compatible with the permitted uses in the zone in which the subject property is located, and is not permitted in any other zone under the terms of this Chapter, and in no way is in conflict with the general purposes in the intent of this Chapter. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the community.

(Ord. 12-10-12(E), 12/10/2012, §27-204)

Part 3**Zoning Districts****§27-301. Establishment of Districts.**

The Township of Covington, as indicated on the Zoning Map, is hereby divided into the following districts:

Agricultural	"A" District
Commercial	"C" District
Industrial	"I" District
State Land	"SL" District
Town Residential	"TR" District
Rural Residential	"RR" District

(Ord. 12-10-12(E), 12/10/2012, §27-301)

§27-302. Zoning Map.

1. The existing boundaries of the districts are established as shown on the map entitled "Covington Township Zoning Map" and called the "Zoning Map" in this Chapter. The Zoning Map, including all explanatory material on it, is made a part of this Chapter.

2. The Township Secretary shall certify the Zoning Map is a part of this Chapter and keep it on file in his/her office. Any changes in district boundaries or other matter shown on the Zoning Map shall be promptly made on the map, with a signed statement substantially as follows:

On the 10th day of December 2012, by action of the Township Supervisors, the following change was made on this map:

(Brief description of change) Districts reformed

Joe M. Evers
Township Secretary

3. The areas within the Township limits as assigned to each district and the location of boundaries of the districts established by this Chapter are shown on the official Zoning Map, which together with all explanatory matters thereon is declared to be part of this Chapter and shall be kept on file with the Township Secretary. If, and whenever, changes are made in boundaries or other matters included on the official Zoning Map, such changes in the Map shall be made within the appropriate time as

determined by the Supervisors and in accordance with all laws of the Commonwealth of Pennsylvania.

4. Regardless of the existence of copies of the Zoning Map which may from time to time be made, the official Zoning Map shall be that map which is on file with the Township Secretary. The official Zoning Map shall govern in all cases where conflicting map information is identified.

5. A copy of the official Zoning Map is attached hereto as Exhibit "27-A" and is incorporated herein by reference.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-302)

§27-303. Interpretation of District Boundaries.

If there is uncertainty of the exact boundaries of districts as shown on the Zoning Map, the following rules shall apply:

A. Boundaries shown as approximately following the center lines of streets or highways shall be construed to follow such center lines.

B. Boundaries shown as approximately following the plotted lot lines shall be construed to follow such lot lines.

C. Boundaries shown as following shore lines of rivers, streams, lakes and reservoirs shall be construed to follow such shore lines and to move with changes in the actual shore lines.

D. Distances not specifically determined on the Zoning Map shall be determined by the Zoning Hearing Board.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-303)

Part 4**Agricultural “A” District****§27-401. Principal Permitted Uses in an Agricultural District.**

1. Dwellings and accessory buildings, accessory uses including no-impact home-based business.
2. Farming and accessory uses.
3. Farm dwelling and accessory buildings.
4. Hunting camps (must comply with Pennsylvania Building Code).
5. Forestry activities.
6. Essential service installations.

(Ord. 12-10-12(E), 12/10/2012, §27-401)

§27-402. Conditional Uses Permitted in an Agricultural District.

1. Church.
2. Funeral home.
3. School.
4. Community parks and playgrounds.
5. Cell towers.
6. Windmills.
7. Solar panels.
8. RV parks/campgrounds.
9. Animal kennels or animal hospitals.
10. Cemetery.
11. Mining, extraction uses including quarrying.
12. Community buildings.
13. CAFO's.
14. Mobile home parks.
15. Essential service installations.
16. Water dilution, water treatment and/or water processing facility.
17. Natural gas processing plant.
 - A. Noise level cannot exceed 60 dbA at the nearest property line.
18. Oil and gas operations.
19. Water impoundment areas.
20. Natural gas compressor stations.
 - A. Noise level cannot exceed 60 dbA at the nearest property line.

(Ord. 12-10-12(E), 12/10/2012, §27-402)

§27-403. Special Exception Use in an Agricultural District.

1. Tourist homes/bed and breakfast.
2. Two-family semi-detached and multiple dwelling units.
3. Home occupations.

(Ord. 12-10-12(E), 12/10/2012, §27-403)

§27-404. Dimensional Standards in an Agricultural District.

1. For principal permitted uses refer to requirements and chart in Part 12 of this Chapter for dimensional standards.
2. Conditional uses dimensional standards shall be determined by the Board of Supervisors in approving the conditional use.

(Ord. 12-10-12(E), 12/10/2012, §27-404)

Part 5**Commercial “C” District****§27-501. Principal Permitted Uses in a Commercial District.**

1. Retail and wholesale establishments which are open to the public including minors.
2. Repair and maintenance establishments.
3. Offices.
4. Eating establishments.
5. Financial institutions.
6. Any principal use allowed in the “A,” “RR” and “TR” Districts.
7. Forestry activities.
8. Community buildings.
9. Oil and gas operations.
10. Water Impoundment areas.

(Ord. 12-10-12(E), 12/10/2012, §27-501)

§27-502. Conditional Uses Permitted in a Commercial District.

1. Lumber processing.
2. Small manufacturing.
3. Motels.
4. Water dilution, water treatment and/or water processing facility.
5. Industrial/Commercial equipment storage facility.
6. Natural gas compressor stations.
 - A. Noise level cannot exceed 60 dbA at the nearest property line.

(Ord. 12-10-12(E), 12/10/2012, §27-502)

§27-503. Dimensional Standards.

1. In the Commercial District, the dimensional standards of the “A”/“R” District shall apply for lots or structures used for residential purposes.
2. Conditional uses dimensional standards for all other uses shall be determined by the Board of Supervisors in approving the conditional use.
3. Refer to requirements and chart in Part 12 of this Chapter for dimensional standards.

(Ord. 12-10-12(E), 12/10/2012, §27-503)

Part 6**Industrial “I” District****§27-601. Principal Permitted Uses in an Industrial District.**

1. Industry.
 2. Warehouses.
 3. Facility for oil and gas staging.
 4. Other facility related to the oil and gas industry.
 5. Any principal use allowed in the “C” District.
 6. Oil and gas operations.
 7. Industrial/commercial equipment storage facility.
 8. Water impoundment areas.
 9. Natural gas compressor stations.
 - A. Noise level cannot exceed 60 dbA at the nearest property line.
 10. Natural gas processing plant.
 - A. Noise level cannot exceed 60 dbA at the nearest property line.
 11. Other uses which shall be similar in character as those listed above as shall be determined by the Township Board of Supervisors.
- (Ord. 12-10-12(E), 12/10/2012, §27-601)

§27-602. Conditional Uses Permitted in an Industrial District.

1. Junkyard.
 2. Bulk petroleum storage.
 3. Essential service installations.
 4. Cellular telecommunications facilities.
 5. Lumber processing.
 6. Solid waste disposal and/or processing facilities.
 7. Primary waste handling facilities.
 8. Adult entertainment.
 9. Water dilution, water treatment and/or water processing facility.
- (Ord. 12-10-12(E), 12/10/2012, §27-602)

§27-603. Dimensional Standards.

1. For principal permitted uses refer to requirements and chart in Part 12 of this Chapter for dimensional standards.
 2. Conditional use dimensional standards shall be determined by the Board of Supervisors in approving the conditional use.
- (Ord. 12-10-12(E), 12/10/2012, §27-603)

Part 7**State Land “SL” District****§27-701. Principal Permitted Uses in a State Land District.**

State land district is under the jurisdiction of the Commonwealth of Pennsylvania. Covington Township cannot authorize any uses for this District.

(Ord. 12-10-12(E), 12/10/2012, §27-701)

§27-702. Land Transfer from a State Land District.

In the event of a land swap between the Commonwealth of Pennsylvania and a private land owner the following shall apply:

- A. Land that is transferred or sold from State Land to private ownership shall be rezoned from State Land to the predominate zoning district adjacent to the property.

(Ord. 12-10-12(E), 12/10/2012, §27-702)

Part 8**Town Residential “TR” District****§27-801. Principal Permitted Uses in a Town Residential District.**

1. Dwellings and accessory buildings, accessory uses including no-impact home-based business.
2. Farming and accessory uses.
3. Farm dwelling and accessory buildings.
4. Essential service installations.

(Ord. 12-10-12(E), 12/10/2012, §27-801)

§27-802. Conditional Uses Permitted in a Town Residential District.

1. Church.
2. Funeral home.
3. School.
4. Community parks and playgrounds.
5. Community buildings.

(Ord. 12-10-12(E), 12/10/2012, §27-802)

§27-803. Special Exception Uses in a Town Residential District.

1. Tourist homes/bed and breakfast.
2. Two-family semi-detached and multiple dwelling units.
3. Home occupations.

(Ord. 12-10-12(E), 12/10/2012, §27-803)

§27-804. Dimensional Standards in a Town Residential District.

1. For principal permitted uses refer to requirements and chart in Part 12 of this Chapter for dimensional standards.
2. Conditional uses dimensional standards shall be determined by the Board of Supervisors in approving the conditional use.

(Ord. 12-10-12(E), 12/10/2012, §27-804)

Part 9**Rural Residential “RR” District****§27-901. Principal Permitted Uses in a Rural Residential District.**

1. Dwellings and accessory buildings, accessory uses including no-impact home-based business.
2. Farming and accessory uses.
3. Farm dwelling and accessory buildings.
4. Hunting camps (must comply with Pennsylvania Building Code).
5. Forestry activities.
6. Essential service installations.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-901)

§27-902. Conditional Uses Permitted in a Rural Residential District.

1. Church.
2. Funeral home.
3. School.
4. Community parks and playgrounds.
5. Cemetery.
6. Mining, extraction uses including quarrying.
7. Community buildings.
8. Mobile home parks.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-902)

§27-903. Special Exception Uses in a Rural Residential District.

1. Tourist homes/bed and breakfast.
2. Two-family semi-detached and multiple dwelling units.
3. Home occupations.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-903)

§27-904. Dimensional Standards in a Rural Residential District.

For principal permitted uses refer to requirements and chart in Part 12 of this Chapter for dimensional standards.

- A. Conditional uses dimensional standards shall be determined by the Board of Supervisors in approving the conditional use.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-904)

Part 10**Requirements for Conditional Uses****§27-1001. Criteria for Review of Conditional Uses.**

The Township Supervisors shall, in making decisions on each application for a conditional use, consider the following general criteria, in addition to the special criteria established elsewhere in this Chapter:

A. The purpose of the zoning district in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground.

B. Whether the specific site is an appropriate location for the use, structure or condition.

C. Whether the use developed will adversely affect the neighborhood.

D. Whether the use will create undue nuisance or serious hazard to vehicles or pedestrians.

E. Whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use.

F. The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.

G. Whether satisfactory provision and arrangement has been made concerning the following:

(1) Ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency.

(2) Off-street parking and loading areas.

(3) Waste collection, storage or disposal.

(4) Utilities, with reference to location, availability and compatibility.

(5) Screening and buffering with reference to type, dimensions and character.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

(7) Required yards and open spaces.

(Ord. 12-10-12(E), 12/10/2012, §27-1001)

§27-1002. Proposed Site Location Statement.

1. *Submission Requirements.* A proposed site location statement and agreement shall be submitted with the conditional use application prior to the granting of permission to locate a water storage, water dilution and water pumping facility.

2. *Content.* The proposed site location agreement shall specify the terms, conditions and provisions under which a water storage, water dilution and water

pumping facility shall be constructed, maintained and operated, including, but not limited to, the following:

- A. Facility construction and maintenance procedures.
- B. Operating procedures and practices, the design of the facility and its associated activities.
- C. Monitoring procedures, practices and standards necessary to assure safe operation of the facility.
- D. The services to be offered by the applicant to the community.
- E. The compensation, services and special benefits to be provided, if any, to the community by the applicant and the timing and conditions of their provision.
- F. Provisions for renegotiations of any term, condition or provision of the siting agreement.
- G. Provisions for compensation to be paid to abutting landowners, residents, occupants or impacted communities for demonstrated adverse impacts.
- H. Provisions for resolving any disagreements in the construction and interpretation of the siting agreement that may arise between parties.
- I. Provision for direct monetary payments, if any, to the Township and special services to be provided for demonstrated adverse impacts.
- J. Provision to assure the health, safety, comfort, convenience and social and economic security of the Township.
- K. Provision to assure the protection of environmental and natural resources.
- L. Provisions to compensate the Township, the county and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes.

(Ord. 12-10-12(E), 12/10/2012, §27-1001.1)

§27-1003. General Requirements for Conditional Uses.

1. The operation of a conditional use shall not be permitted by the Township Supervisors unless all necessary permits for such use have been issued by the proper Township, County, State and Federal agencies and copies of each have been forwarded to the Township. These conditional uses shall also be operated in accordance with all County, State or Federal rules and regulations which pertain, and in instances where two or more sets of regulations apply, the stricter of the two shall govern. Failure on the part of the operator to comply with any of the regulations and conditions listed below may result in the retraction by the Township of its approval to operate a conditional use in the Township.

2. No work, other than minimal landscaping, shall take place on the site until Township approval of conditional use is granted.

3. Minimum lot sizes of 10 acres shall be required for the following uses:
- A. Industry with over 25 employees.
 - B. Mining, extraction uses including quarrying.
 - C. Solid waste disposal and/or processing facilities.

D. Concentrated animal feeding operations (CAFOs).

E. Water dilution, water treatment and/or water processing facilities.

4. Any extraction well shall be located a minimum of 125 feet from any public road or public right-of-way.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1002)

§27-1004. Lighting.

1. Lighting conditional use requests, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the facility.

2. Lighting at the facility, when practicable, shall be limited to security lighting. Additional lighting requirements are contained in Covington Township Lighting Ordinance, *Ord. 12-10-12(B)* [Chapter 16], which is incorporated herein by reference. (*Ord. 12-10-12(E)*, 12/10/2012, §27-1002.1)

§27-1005. Height Requirements.

Permanent structures, both principal and accessory, shall comply with the height regulations for the zoning district in which they are located.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1002.2)

§27-1006. Wastewater Management.

1. Effluent must meet any standards established by the Township or Township Authority, should one exist.

2. In no case shall untreated potentially dangerous or contaminating effluent or wastewater from operations be discharged.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1002.3)

§27-1007. Noise and Vibration.

1. The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the facility:

A. Prior to commencing operations, the applicant shall establish by generally accepted testing procedures, the continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or 100 feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous 72-hour test the applicant may assume and use, for the purpose of compliance with this Chapter, a default ambient noise level of 55 dbA at 300 to 1200 cycles per second. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data. The following sources are exempt from the noise standards:

- (1) The unamplified human voice.
- (2) Construction or routine maintenance of essential service installations.
- (3) Temporary activities relating to the construction and maintenance of buildings and facilities (including site preparation) between the hours of 7 a.m. and 5 p.m. Monday through Saturday.
- (4) Church bells.
- (5) Occasionally used safety signals and warning devices.

B. The applicant shall provide Covington Township documentation of the established ambient noise level prior to starting operations.

C. The noise generated during operations of a natural gas compressor station or a natural gas processing plant shall not exceed the average ambient noise level established in subsection .1.A by more than 6 decibels. Allowable increase shall not exceed the average ambient noise level for more than ten minutes within any 1-hour period.

D. No physical vibrations shall be perceptible without use of instruments at or beyond the lot lines.

2. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

3. Oil and gas development facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1002.4)

§27-1008. Fencing/Buffer Yards.

This conditional use requirement may not be applicable to all application.

A. A fence shall be erected along all boundary lines of the permitted area. The fence shall be a minimum height of 8 feet and shall be constructed of suitable materials to blend in with the surrounding area. The fence shall not contain openings greater than 3 square inches and shall contain, at all entrances, gates which shall be locked except during operating hours.

B. A buffer yard shall be maintained along all boundaries of the facility, except at the entrance. All buffer yards shall include a planted landscape screen composed of both low level and a high level screen. The species and spacing of the trees shall be approved by the Township and shall be such to constitute an effective screen. The height level screen shall consist of a combination of evergreen and deciduous trees with no deciduous specimen less than 8 feet in height when planted and no more than 25 feet apart on center. The evergreen trees shall be no less than 6 feet in height when planted and spaced at intervals of not more than 10 feet apart. The operator shall maintain the planted screen and replace any plant material that does not live within 1 year of initial planting.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1002.5)

§27-1009. Electromagnetic Interference.

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, or interfere with normal radio, telephone, or television reception off the premises where the activity is conducted. All such users must comply with all FCC rules and regulations.

(Ord. 12-10-12(E), 12/10/2012, §27-1002.6)

§27-1010. Public Availability.

The owner/operator shall maintain and make available during normal working/business hours at its office and/or building site all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility including those of the Township.

(Ord. 12-10-12(E), 12/10/2012, §27-1002.7)

§27-1011. Transportation.

1. A transportation plan shall be submitted to the Covington Township Supervisors for any conditional uses that will cause an increase in traffic, changes in traffic patterns and/or changes in types of vehicles accessing the area with the exception of employees going to or from work. This plan shall show the width, bearing capacity, type of road surface of all Covington Township roads used by all truck traffic to or from the site and of the nearest State road. This plan shall also list the weight of all vehicles expected to use the facility. The plan shall pay careful attention to the impact of truck activity associated with the conditional use upon any school bus using the same road. This plan will be completed by a professional engineer with experience in transportation analysis and planning. The engineer will be chosen from a list of such persons submitted to the Township by the applicant for a conditional use. The person(s) chosen must meet with the satisfaction of the Township. Conditional use applicants must assume the cost of such transportation plan. Should the transportation plan indicate that the conditional use will pose a significant transportation hazard to other users of Township roads, permission to site a conditional use may be denied.

2. The operator of any conditional use shall post security with Covington Township to cover the cost to repair, reconstruct or resurface any public roads, bridges or drain pipe which are damaged or subjected to excessive wear resulting from the use of said roads, bridges and drain pipes by the operator or others in connection with the operation of the conditional use. In lieu thereof the operator may enter into an agreement with Covington Township to make an annual contribution to be used in the maintenance of said roads, bridges and drain pipes.

3. Truck access to any conditional use shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties and to ensure the continued quality of public roads. There should be a minimum of 500 feet of sight distance at the entrance to the facility with the exception of cellular communications facilities. No facility access road shall be over a road within a Residential District.

4. All access drives on site for any conditional use with the exception of cellular communications facilities shall be completed paved for a distance of at least 200 feet

from the road right-of-way. In addition, if any portions of the on site access drives are unpaved, then a 50-foot long gravel section of the driveway shall be placed just beyond the preceding 200-foot paved section to help collect any mud that may have attached to the vehicles wheels. The maintenance of these drives shall be the responsibility of the operator as long as the use continues.

5. Sufficiently long vehicle stacking lanes in the facility shall be provided on site so that vehicles to be weighed or serviced do not back onto public roads. The facility operator shall be responsible for compliance with this provision.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1002.8)

§27-1012. Air Management.

I. No gases, vapors, or fumes shall be emitted which are harmful to persons, property, animals, or vegetation beyond the lot lines of the lot on which gases, vapors, or fumes originate. No toxic or corrosive gases, vapors, or fumes shall be released into the atmosphere.

2. No odor shall be permitted at any lot line which exceeds the lowest amount set forth in Table III, "Odor Thresholds," of Chapter 5, "Physiological Effects," of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the chemical compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual, and no odor shall be permitted at any lot line that exceeds the amount determined by the application of such method.

3. The regulations of the Pennsylvania Department of Environmental Protection shall be complied with for fugitive emissions, particulate matter emissions, sulfur compound emissions, standards for sources, sources of volatile organic compounds, emission of hazardous air pollutants, and ambient air quality sources, and other relevant regulations.

4. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than 20%, except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1002.9)

§27-1013. Additional Requirements for Mining, Extraction Uses Including Quarrying.

1. All blasting operations by conditional uses shall be in accordance with guidelines established by the Pennsylvania Department of Environmental Protection. A blasting plan shall be submitted to the Township prior to any blasting. The plan shall be drafted by a person(s) skilled in the preparation of such plans. Blasting shall only occur Monday through Friday between the hours of 9 a.m. and 5 p.m., prevailing time.

2. Extractive uses must submit a reclamation plan to Covington Township prior to commencing operations. The plan shall include a concurrent system of reclamation as opposed to a total reclamation at the end of the activity. A person(s) skilled in the preparation of such plans must be approved by the Township prior to its drafting and submission. The Township must also approve of the plan prior to any work on the site.

3. Sites affected by extractive uses shall be reclaimed by a replanting of 75% hardwoods and 25% evergreens at a rate of 680 plants per acre. These plantings must be still living 2 years after their placement. Any which fail to survive must be replaced by the operator at his own expense until a proper cover has been permanently established.

(Ord. 12-10-12(E), 12/10/2012, §27-1003)

§27-1014. Additional Requirements for Principal Waste Handling Facilities and Solid Waste Disposal and Processing Facilities.

1. A litter control plan must be submitted to and approved by Covington Township before operations commence. A part of that plan shall include weekly pickup and disposal of all materials which have the potential to be carried off site by the wind or water for the duration of activity.

2. The unloading, processing, treatment, transfer and disposal of waste shall be continuously supervised by a qualified facility operator.

3. Any waste to be recycled shall be stored in leak and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. Such containers shall be stored within a completely enclosed building.

4. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site. A plan drafted by a person(s) qualified in these matters shall be submitted to the Township for their approval prior to granting a conditional use.

(Ord. 12-10-12(E), 12/10/2012, §27-1004)

§27-1015. Additional Requirements for Gas and Gas Operations, Impoundment Areas, Compressor Stations and Processing Plants.

1. Compressors are required to be enclosed in a building with doors.

2. The building and roofing color is required to blend with the community character of the site.

3. A written commitment to Covington Township from the applicant that the site will be restored within 1 year following the termination of production.

(Ord. 12-10-12(E), 12/10/2012, §27-1005)

§27-1016. Environmental Assessment Statement for Conditional Uses.

1. *Submission Requirements.* An environmental assessment statement shall be submitted to the Township prior to approval for the following conditional uses:

- A. Solid waste disposal and/or processing facilities.
- B. Mining, extraction uses including quarrying.
- C. CAFOs.

The person(s) drafting the environmental assessment statement shall be qualified and have prior approval by the Township.

2. *Content and Purpose.* The purpose of the assessment is to determine the impact

of the project on the environment of the existing site, and the resultant changes the proposal will have on the immediate site and surrounding area so that the Township can make informed decisions relating to the proposed action.

3. In preparation of this document only factual information, not subjective statements, shall be presented. The assessment shall include:

A. *Description of the Proposal.* Describe the proposed or recommended actions, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of the environmental impact by the Board of Supervisors.

B. *Description of the Environment.* Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository for toxic or hazardous wastes.

C. *The Environmental Impact of the Proposed Action.* Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes to in the existing environment, either beneficial or detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

D. *Mitigating Measures Included in the Proposed Action.* Include a discussion of measures which are proposed to be taken or which are required to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

E. *Any Adverse Affects Which Cannot Be Avoided Should the Proposal Be Implemented.* Include a discussion of the unavoidable adverse impacts described in paragraphs .A and .C above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

F. *The Relationship Between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity.* Discuss the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risk to health or safety. Short-term and long-term do not refer to any fixed time period, but should be viewed in term of the various significant ecological and geophysical consequences of the proposed action.

G. *Any Irreversible and Irretrievable Commitments of Resources Which Would Be Involved in the Proposed Action Should it Be Implemented.* Discuss and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

H. *Alternatives to the Proposed Action.* Describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

I. *Outline Considerations for Developing Environmental Assessment Statements.*

(1) *Description of the Proposal.*

- (a) Who is proposing the action?
- (b) What is the nature of the action being taken?
- (c) What is it designed to accomplish? What identified needs will be met and to what degree?
- (d) Where will it take place?
- (e) When will it take place?
- (f) How does it fit in with the planning efforts of Covington Township, Tioga County and the Commonwealth of Pennsylvania?

(2) *Describe the Environment.*

- (a) What are the present and past land uses of the site and of the surrounding area?
- (b) Comment on any special topographic features which may be present.
- (c) Describe the site's surface and subsurface geological characteristics.
- (d) Describe the nature of the soils in the area, particularly their fertility and susceptibility to erosion.
- (e) Describe the area's water resources, with specific reference to groundwater, water quality, aquifers and aquifer recharge areas, and areas subject to flooding.
- (f) Describe the area's vegetation, including species composition, distribution, commercial utility and aesthetics. Special reference should be made to unusual or unique species such as seasonal use by endangered or threatened species.
- (g) Describe the nature of existing transportation routes in the immediate area and the accessibility to the project site.

(3) *Environmental Impact of the Proposed Action.*

- (a) What will be the effect on land uses in the area?
- (b) Will the project affect a site listed on the National Register of Historic Places?
- (c) In what way will soils and topography be affected? Consider such things as soil compaction, erosion, exposure of slopes, excavation creation of unstable slope/soil configurations, cutting and filling, removal of topsoil, paving, loss of existing natural landscape qualities, blockage of view lines to landmarks, blockage of view corridors, etc.
- (d) Will solid wastes be generated? How and where will they be disposed of? Indicate what types and volumes will be generated and how

and where it will be stored prior to disposal and method of disposal. Discuss removal of clearance, demolition, and construction wastes.

(e) How will water resources be affected? Consider the water table, runoff, sewer systems, rivers and streams, water supply etc. Indicate content of any effluent which will be discharged. Address loss of floodwater absorption capacity in natural absorption areas, effects on stream volume, velocity, and seasonal flows, diversions or blockage of surface water, alterations of natural watercourses, introduction or increase of effluents or toxic, hazardous, or radioactive substances to runoff or water bodies, effects on aquatic life, any blockage or impairment of access to watercourses, effects on groundwater recharge, release of groundwater supply, withdrawal of groundwater supplies, blockage of groundwater flow, contamination of groundwater supply, effect on water temperatures, sedimentation, changes in levels of water bodies.

(f) How will vegetation be affected? Discuss the removal of ground cover, loss of valuable local species, loss of wildlife habitat, the introduction of vegetation which will spread onto adjacent lands, the introduction of exotic vegetation and the creation of highly visible, drying or decaying vegetation.

(g) How will fauna be affected? Consider habitat destruction, reduction of population, impact caused by human intrusion, mobility restriction, food chains, etc.

(h) How will transportation routes be affected? Consider congestion, hazards, capacities of affected roads and intersections and traffic to be generated, generation of truck traffic.

(I) Effect on air quality and ambient noise levels. Include what odors will originate: types and concentrations of gases, vapors, particulates, and smoke; noise and vibration levels at property lines. Indicate whether heat or glare will be present near property lines and the level of heat and/or glare. Indicate levels of electromagnetic radiation at property lines. Indicate effects on local temperatures and wind circulation and whether there are any plants, animals, or materials in the area that are particularly susceptible to expected emissions. Indicate the nature, concentration and quantity of radioactive material to be discharged to the environment, pathways for entering the environment, does to populations and biota, and possible concentrations through food chains.

(j) Describe management practices proposed for the area.

(4) *Mitigating Measures Included in the Proposed Action.* Discuss actions or measures which will be taken to avoid or alleviate adverse environmental effects. Include reference to erosion control methods and adherence to air, noise or water pollution control techniques and standards.

(5) *Unavoidable Adverse Effects.* If adverse effects have been identified in subparagraph (3) and cannot be mitigated they should again be identified here. Describe who or what will be affected, and to what degree. Quantify wherever possible.

(6) *Relationship Between the Local Short-Term Use of Man's Environment*

and the Maintenance and Enhancement of Long-Term Productivity. What are the impacts of the proposal in the context of other similar projects? In what way will future generations be affected by currently proposed action? How do the immediate and long-range impacts on the area with the project compare with the immediate and long-term impacts without the project?

(7) *Any Irreversible or Irretrievable Commitments of Resources.* Discuss any irrevocable commitments of resources resulting from implementation of the proposal. An evaluation must be made of the extent to which the proposed action curtails or restricts the range of possible resource uses. Such commitments may occur because of resource extraction, erosion, destruction of archeological, geological or historic features, destruction of fragile habitat or threatened or endangered or species of special concern habitat, unalterable changes in land use, and resources used in project development.

(8) *Alternatives to the Proposed Action.* Identify alternatives which may be considered, including modification of the present proposal and different approaches gaining the same result. The beneficial and adverse effects of the alternatives should be discussed, along with the reasons for possible rejection. Consideration should be given to alternate construction methods which may avoid environmental degradation.

(Ord. 12-10-12(E), 12/10/2012, §27-1006)

§27-1017. Geologic Study.

Required for all mining, extraction uses including quarrying.

A. *Preparation of Study.* A geologic study shall be prepared by a registered professional geologist or hydrologist, and shall be submitted with the conditional use application prior to the granting of permission to site a conditional use.

B. *Content.* The geologic study shall evaluate the geologic conditions of the site and surrounding area in sufficient detail to be able to ascertain what impact the conditional use will have on the proposed site. Specific conditions to be studied include, but are not limited to, the following:

- (1) Identification of rock strata and depth.
- (2) Past history of folding, faulting and movement.
- (3) Identification of any subsurface coal, hydrocarbon, natural gas or other material with commercial value.
- (4) Identification and delineation of any past surface or subsurface mining or extraction areas, including stratigraphic and geographic extent of mining or extraction, remaining materials inventory, regulatory history of mining or extraction activities.
- (5) Analysis of the potential for current conditions or past activities to adversely impact the proposed use.
- (6) Analysis of the potential for the proposed use to adversely impact ground water, nearby water wells in and out of the Township or the environment.
- (7) Proposed methods of mitigating or preventing adverse impacts from

geologic or hydrogeologic events.

C. *Hydrogeologic Component.* The study shall contain a hydrogeologic component which shall describe, inventory, analyze and evaluate the existing hydrogeology conditions in terms of both water quality and quantity. The study shall describe the changes to hydrogeologic conditions which may occur as a result of the proposed use; quantify the potential for changes in water quantity or quality; and where adverse changes are anticipated, propose methods or means of reduction or mediation of such adverse impacts.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1007)

Part 11**Performance Standards****§27-1101. Forestry Activity Minimum Performance Standards.**

1. *Rationale.* Timber harvesting can result in major changes to the harvested area. Harvesters can modify their operations to minimize the impact of harvesting, reduce erosion and sedimentation problems, minimize soil compaction and rutting during operations and protect forest streams and wetlands and assure the long term health of the forest through the use of recognized best management practices (BMPs).

2. *BMPs for All Forestry Operations.* The operator of any forestry operation exceeding 5 acres in size shall:

A. Conduct an inventory of the resources on the property, including general plant/tree communities, water resources (streams, spring seeps, wetlands, vernal ponds) soils, and unique areas (endangered, threatened, or rare species habitat, rock outcroppings, notable views) should be conducted prior to commencing operations.

B. Create a written management plan based on the resource inventory and landowner objectives which should include a map showing stands or management units and a timetable for completion of recommended activities.

C. Mark and maintain all property boundary lines.

D. During intermediate operations, retain seed sources of species needed to achieve long-term management objectives.

E. Avoid intermediate cuttings that may increase interfering plant communities, such as grasses and ferns.

F. Design and lay out skid trails and skid roads to minimize damage by avoiding residual trees and using bumper trees to protect them from skidding damage.

G. Identify and mark unique vegetation to be protected.

H. Minimize soil compaction and rutting by matching operating techniques, season of operation and equipment to soil types and moisture levels.

I. Use soil surveys, topographic maps and on site evaluations as guides when planning log landings, skid road and haul road locations.

J. Do not contaminate soils with fuels, lubricants and other chemicals.

K. Comply with all provisions of Chapters 102 and 106 of Title 25, Pa.Code, and the Clean Streams Law, 35 P.S. §691.1 *et seq.*, and the Dam Safety and Encroachments Act, 35 P.S. §693.1 *et seq.*, respectively.

L. Design roads to shed surface water quickly.

M. Design roads and log landings to prevent or divert surface water flow.

N. Avoid locating roads and landings on seasonally wet soils.

O. Use bridges and culverts when crossing intermittent and perennial streams or wetlands. When not used, a §404 permit of the Federal Water Pollution

Control Act Amendments of 1972 must be first obtained.

P. If it becomes necessary to take heavy equipment into wetlands, those operations should be conducted during the driest periods or when the wet area is solidly frozen.

Q. Whenever possible, locate landings away from public view.

R. Re-grade and seed landings using native grasses whenever possible.

S. Keep mud off public roads and out of streams.

T. Notify the Township if vehicles used in forestry operations will weigh in excess of posted weight limits as officially decreed under authority of Title 75, §§4902 and 6103 of the Vehicle Code, 75 Pa.C.S.A. §§4902, 6103.

3. *BMPs for Forestry Operations in Wetlands and Protected Watershed Districts.*

A. When necessary, roads shall cross all watercourses at a right angle to the stream or wetland and a permit from Fish and Boat Commission must be first obtained (Act 175, Chapters 102, 105).

B. Stream crossing approaches shall not exceed 10% slope within 50 feet of the crossing.

C. Crossings of wetlands should be avoided if possible. If not possible, the crossing should be in the narrowest practicable point of the wetland.

D. It is the responsibility of the operator to restore the site including wetlands after use.

E. *Required Buffer Zone Widths by Slope of Land Between Haul Roads, Skid Roads and Skid Trails and Streams in Protected Watersheds.*

Slope of Land Between Road or Trail and Stream (%)	Minimum Width of Buffer Zone (In feet)
0	50
10	90
20	120
30	160
40	200
50	250
60	290
70	320

4. No clear cutting forestry operations shall be conducted within 300 feet of any dwelling, cemetery or church.

5. No clear cutting forestry operation shall be conducted within 100 feet of any public road.

(Ord. 12-10-12(E), 12/10/2012, §27-1101)

Part 12**Lot Area, Width, Yard, Building Height and Coverage Regulations****§27-1201. Lot Area, Width, Yard, Building Height and Coverage Regulations.**

The minimum lot area, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum building height and maximum lot coverage for each permitted and special exception use shall be those set forth in the schedule appearing in this Chapter and titled “Minimum Lot Area, Lot Width and Yard Requirements, and Maximum Building Height and Lot Coverage Requirements.”

Minimum Lot Area, Lot Width and Yard Requirements and Maximum Building Height and Lot Coverage Requirements

Use	Single-Family Detached Dwelling	Single-Family Semi-detached or Two-Family Detached Dwelling	Two-Family Semi-detached or Townhouse Dwelling	Garden Apartment Dwelling	Commercial Use	Industrial Use
1. Minimum Lot Area						
A. With on-lot sewer service and on-lot water service	2 acres per dwelling unit	2 acres per dwelling unit	2 acres per dwelling unit	2 acres per dwelling unit	2 acres or sufficient land to meet all yard requirements whichever is greater	2 acres or sufficient land to meet all yard requirements whichever is greater
B. With off-lot sewer service and on-lot water service	22,000 sq. ft. per dwelling unit	22,000 sq. ft. per up to 4 units	22,000 sq. ft. per up to 4 units	22,000 sq. ft. per up to 4 units	22,000 sq. ft.	22,000 sq. ft.
C. With off-lot sewer service and off-lot water service	22,000 sq. ft. per dwelling unit	22,000 sq. ft. up to 4 dwelling units	22,000 sq. ft. up to 4 dwelling units	22,000 sq. ft up to 4 dwelling units	22,000 sq. ft.	22,000 sq. ft.
2. Minimum Lot Width						
A. With on-lot sewer service and on-lot water service	200 feet	200 feet	200 feet	200 feet	200 feet	200 feet

Use	Single-Family Detached Dwelling	Single-Family Semi-detached or Two-Family Detached Dwelling	Two-Family Semi-detached or Townhouse Dwelling	Garden Apartment Dwelling	Commercial Use	Industrial Use
B. With off-lot sewer service and on-lot water service	100 feet	200 feet	200 feet	200 feet	200 feet	200 feet
C. With off-lot sewer service and off-lot water service	100 feet	200 feet	200 feet	200 feet	200 feet	200 feet
3. Minimum Front Yard						
A. Fronting an arterial road	60 feet "from edge of right-of-way"	60 feet	60 feet	60 feet	60 feet	60 feet
B. Fronting a collector road	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
C. Fronting a local road	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
4. Minimum Side Yard						
A. With on-lot sewer service and on-lot water service	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	20 feet from other uses	20 feet from other uses
B. With off-lot sewer service and on-lot water service	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	20 feet from other uses	20 feet from other uses
C. With off-lot sewer service and off-lot water service	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	principal bldg. 20 feet accessory bldg. 20 feet	20 feet from other uses	20 feet from other uses
5. Minimum Rear Yard						
A. With on-lot sewer service and on-lot water service	principal bldg. 50 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	20 feet from other commercial uses 20 feet from all other uses	20 feet from other commercial uses 20 feet from all other uses

Use	Single-Family Detached Dwelling	Single-Family Semi-detached or Two-Family Detached Dwelling	Two-Family Semi-detached or Townhouse Dwelling	Garden Apartment Dwelling	Commercial Use	Industrial Use
B. With off-lot sewer service and on-lot water service	principal bldg. 40 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	20 feet from other commercial uses 20 feet from all other uses	20 feet from other commercial uses 20 feet from all other uses
C. With off-lot sewer service and off-lot water service	principal bldg. 30 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	principal bldg. 50 feet accessory bldg. 20 feet	20 feet from other commercial uses 20 feet from all other uses	20 feet from other commercial uses 20 feet from all other uses
6. Maximum Building Height	35 feet	35 feet	35 feet	40 feet	35 feet	40 feet
7. Maximum Lot Coverage	–	–	–	–	40 percent	50 percent

Gas and Oil Operations

Setbacks in Permitted Districts				
Operation	From nearest building	From nearest lot line	From nearest water well	Building height
Wellhead	500 feet	NA	500 feet	NA
Well pad	300 feet	NA	NA	NA
Impoundment area	300 feet	NA	NA	NA
Gas compressor station	750 feet	200 feet	NA	40 feet
Gas processing plant	750 feet	200 feet	NA	40 feet
Gas, oil and water lines	300 feet	NA	NA	NA
Access roads or security facilities	300 feet	NA	NA	NA

(Ord. 12-10-12(E), 12/10/2012, §27-1201)

§27-1202. Height Regulation Exceptions.

1. Public, semi-public or public service buildings, hospitals, public institutions or schools when permitted in a district, may be erected to a height not exceeding 50 feet, and churches or temples may be erected to a height not exceeding 50 feet if the building is set back from each yard line at least 2 feet for each additional, 1 foot of building height above the height limit, otherwise provided in the district in which the building is located.

2. Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks, water towers which require a greater height than provided in the district may be erected to a greater height than permitted providing:

A. The structure shall not occupy more than 25% of the lot area.

B. The yard requirements of the district in which the structure is erected shall be increased by 2 feet for each foot of height over the maximum height permitted.

3. Agricultural uses including barns, silos etc.

4. The height limitations of this Chapter shall not apply to flagpoles, church spires, belfries, silos, chimneys or antennas.

(Ord. 12-10-12(E), 12/10/2012, §27-1202)

§27-1203. Yard Requirements.

1. All yards required to be provided under this Chapter shall be open to the sky and unobstructed by any building or structure except for accessory buildings in the rear yard and fences.

2. The following may project into the required yards as established in this Chapter:

A. Steps and stoops not exceeding 24 square feet.

B. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys and flues into the side or rear yard not exceeding 3.5 feet in width and placed so as to obstruct light or ventilation.

C. Sills, eaves, belt courses, cornices and ornamental features not exceeding 2 feet in width.

D. Patios.

3. *Irregular Lots.* Where any main wall of a structure located on an irregularly shaped lot does not parallel the lot line which the wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or distance to the lot line.

(Ord. 12-10-12(E), 12/10/2012, §27-1203)

§27-1204. Lot Area Measurements, Deep Lots.

Deep Lots. For purposes of measuring lot area on exceptionally deep lots, only the part of the depth which is less than four times the average width of the lot may be utilized in calculations.

(Ord. 12-10-12(E), 12/10/2012, §27-1204)

§27-1205. Reduction in Lot Area.

No lot area, though it may consist of one or more adjacent lots of record, shall be reduced in area so that the yard lot area per family, lot width, building area or other requirements of this Chapter are not maintained, public utilities excepted.

(Ord. 12-10-12(E), 12/10/2012, §27-1205)

§27-1206. Fences or Hedges.

Subject to the following conditions, fences may be erected along the boundaries of a lot:

A. On any corner lot, no wall, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be permitted which may cause danger to traffic on a street by obscuring the view.

B. No solid hedge or growth shall be planted or permitted to grow higher than 3 feet in height on any property line or street right-of-way line between the front or side street so that the sight distance from any adjacent driveway onto a public highway or sidewalk is restricted.

(Ord. 12-10-12(E), 12/10/2012, §27-1206)

§27-1207. Structure on Small Lot of Record.

Notwithstanding the limitations imposed by any other provision of this Chapter, the Zoning Officer may permit erection of a structure on any lot of record separately owned or under contract of sale and containing, at the time of the passage of this Chapter, an area or a width smaller than that required in this Chapter. In no case shall any structure be permitted within 5 feet of a lot line.

(Ord. 12-10-12(E), 12/10/2012, §27-1207)

§27-1208. Clear Sight Triangle Requirements.

In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure, building, earthen bank or vegetation exceeding 3½ feet in height above the finished paved area at the center of the roadway shall be allowed within the clear sight triangle on corner lots.

(Ord. 12-10-12(E), 12/10/2012, §27-1208)

§27-1209. Additional Dwellings.

1. *Residential Uses.* Only one residential dwelling is permitted on a single tract of land. If it is proposed to build an additional residential dwelling or convert an existing structure to a residential dwelling on said tract of land then the land must be subdivided in accordance with the lot sizes and set backs as stated in §27-1201 of this Chapter.

2. *Nonresidential Uses.* Where a lot or tract is used for a nonresidential purpose, more than one principal building may be located upon the lot or tract, but only when such buildings conform to all open space and yard requirements around the lot for the district in which the lot or tract is located.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1209)

Part 13**Off-Street Parking, Loading and Unloading Regulations****§27-1301. Off-Street Parking, Loading and Unloading Regulations.****1. General Regulations.**

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

B. All parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than 10 feet wide and 20 feet long. Outdoor parking spaces, and the approaches thereto, shall be paved, or covered with gravel or cinders. Such outdoor parking spaces shall be deemed to be part of the open space of the lot on which it is located.

C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.

D. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board.

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

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

G. There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Where a parking or loading area does not abut on a public right-of-way, or private alley or easement of access, there shall be provided an access drive per lane of traffic not less than 12 feet in width per lane of traffic; and not less than 18 feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder.

2. Parking Facilities Required. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

A. Residential Parking.

(1) All residential units shall be provided with two off-street parking spaces per dwelling unit.

(2) Residential conversion units shall be provided with a minimum of one parking space per dwelling unit. The required parking shall not be located between the street right-of-way line and the front building line.

(3) Boarding or rooming houses, hotels, motels, and tourist houses. At least one parking space for each guest room. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.

B. Commercial Parking.

(1) *Theaters, Auditoriums, Churches, Schools, Stadiums or Any Other Place of Public or Private Assembly.* At least one parking space for each three seats provided for public or private assembly.

(2) *Retail Stores and Other Places for Trade or Business.* One vehicle space for each 200 square feet of floor area for public use.

(3) *Food Markets and Groovy Stores.* One vehicle parking space for each 100 square feet of floor area for public use.

(4) *Restaurant, Tearooms and Cafeteria Including Taprooms, Taverns and Night Clubs.* One vehicle space for each 50 square feet of floor area for public use.

(5) *Bowling Alley.* Five vehicle spaces for each alley.

(6) *Office Building.* At least one parking space for each 200 square feet of floor area, or fraction thereof.

(7) *Public Garages, Automobile and Gasoline Service Stations.* At least one parking space for each 200 square feet of floor area, or fraction thereof, devoted to repair or service facilities, and one space for each employee on the largest shift. This shall be in addition to the space allocated for the normal storage of motor vehicles. No parking shall be permitted on the public rights-of-way.

(8) *Hospitals and Sanitariums.* At least one parking space for each three beds. Such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees. One parking space shall be provided for each employee on the largest shift.

(9) *Other Commercial Buildings.* At least one parking space for each 400 square feet of floor area, or fraction thereof, except when otherwise authorized as a special exception consistent with the principals set forth herein for comparable buildings.

(10) *Drive-in Dairy and Restaurants.* Provisions for parking for drive-in facilities must meet with the approval of the Planning Commission and no parking on the public right-of-way shall be permitted.

(11) *Dance Halls, Roller Rinks, Clubs, Lodges and Other Similar Places.* At least one parking space for each 200 square feet of floor area.

(12) *Swimming Pool.* At least one parking space for each three persons for

whom facilities for dressing are provided; or at least one parking space for every 12 square feet of water surface, including areas for swimming, wading and diving, whichever requirement is the greater.

(13) *Open Areas Used for Commercial Purposes.*

(a) *Golf Driving Range.* At least one parking space for each tee provided.

(b) *Miniature Golf.* At least one parking space for each hole provided.

(c) *Other Open Areas.* At least one parking space for each 2,500 square feet of area or fraction thereof.

(14) *Mortuaries, Funeral Homes and Undertaking Establishments.* At least one parking space for each 100 square feet of floor area for public use. Such space shall be in addition to:

(a) Employee parking needs.

(b) A service area for mobile equipment, such as hearses and ambulances.

(15) *Home Occupations.* At least one for the resident, one for each nonresident employee and two for patron use.

C. *Industrial Parking.* These regulations shall apply to industrial expansion and industrial installations erected after the effective date of this Chapter. Off-street parking shall be provided on the premises in accordance with the following schedule:

(1) *Industrial and Manufacturing Establishments.* One vehicle parking space for each two employees on the combined major and next largest shift.

(2) *Truck Terminals and Wholesale Warehouses.* One parking space for each two employees on the combined major and next largest shift.

(3) *Visitors and Salesmen.* Space shall be provided in addition to the above parking requirements according to specific needs.

3. *Loading and Unloading Space.*

A. In addition to the off-street parking space required above, any building erected, converted or enlarged for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be 50 feet in depth, 12 feet in width, with an overhead clearance of 14 feet.

B. All commercial and industrial establishments shall provide loading and unloading and commercial vehicle storage space adequate for their needs. This required space will be provided in addition to established requirements for patron and employee parking.

(1) In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall the public rights-of-way be used for loading or unloading or materials.

4. *Access to Off-Street Parking and Loading Areas.* Access to and from off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the

following provisions:

A. Access drives shall not open any public right-of-way:

(1) Within 80 feet of the nearest right-of-way line of any intersecting public street or highway.

5. *Parking and Loading Area Setbacks.* All nonresidential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property line by a planting strip at least 20 feet in depth, unless adjoining owners mutually agree to common facilities subject to greater setbacks as may be required by the Zoning Hearing Board.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1301)

Part 14**Natural Hazard Areas****§27-1401. Purpose.**

The purpose of this Part is to protect persons and property from undue and unnecessary exposure to natural conditions and locations which will result in threats to their health and safety, and damage and/or destruction.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1401)

§27-1402. Steep Slopes and Slide Hazard Areas.

No area having a slope in excess of 25% for 100 feet horizontal measured across the slope, nor any area identified by the U.S. Soil Conservation Service's Soils Maps for Tioga County (unpublished data at present) as being slide prone shall be used for the construction of any building or structure except after approval as a special exception by the Zoning Hearing Board, subject to the requirements of this Chapter.

A. *Delineation.* Delineation of steep slope and slide hazard areas shall be the responsibility of the landowner, certified by a professional engineer, upon a general finding that said areas may exist on the site by the Zoning Officer.

B. If use of steep slope and slide hazard areas is requested, plans shall be prepared and presented which demonstrate appropriate design considerations to preclude any potential damage to the proposed use and which have been certified by a professional engineer.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1402)

Part 15**Areas of Special Concern****§27-1501. Rationale.**

Some areas of the Township have been deep mined in the past. This mining took place at multiple levels in the bedrock. Much of this mining occurred in the 1800's and early 1900's. Many of the records have been lost. Even those records which exist are suspect as to accuracy. Voids may exist in the bedrock and this introduces the possibility of subsidence. Any surface activities which involve blasting, the use of heavy equipment and/or the storage of heavy materials or materials which must be isolated from the environment because of health concerns are subject to the following conditions. (*Ord. 12-10-12(E)*, 12/10/2012, §27-1501)

§27-1502. Core Boring to Establish Bedrock Support.

The property owner or his representative must provide the Township with proof that the bedrock of the area in question will support the activities discussed in §27-1201 prior to any work in the area. This must be done by having a driller approved by the Township drill core bores to the depth of the deepest known deep mines in that area to prove that there are no voids which might collapse and cause the release of materials which must be isolated from the environment or cause damage to persons or property. (*Ord. 12-10-12(E)*, 12/10/2012, §27-1502)

§27-1503. Geotechnical Requirements.

1. Operations involving the handling or storage of materials which are on the Federal or State list of known carcinogens and/or radioactive materials must drill no less than 10 core bores per acre for the complete area the operator is seeking permission to permit or utilize even if only part of it is judged by the Township to be undermined.

2. Operations involving the storage or handling of materials which may generate liquid waste known as leachate or those which store large quantities of animal wastes in small areas (CAFOs) must drill no less than 6 core bores per acre. The complete area the operator is seeking permission to permit or utilize shall be drilled even if only part of it is judged by the Township to be undermined.

3. Operations utilizing subsurface storage tanks for fuels must drill no less than three core bores per acre over the area being permitted and/or utilized even if only a portion of it is judged by the Township to be undermined.

4. Home builders, camps builders and other small builders including communications towers, must prove to the Township that at least 15 feet of solid bedrock exists beneath the building site before work may commence.

5. The Township shall determine the placement of the required number of core bores at the expense of the applicant. The location of any voids on the property shall disqualify the entire property from being used for the proposed use.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1503)

§27-1504. Core Bore Responsibility.

1. Financial responsibility for the drilling of core bores shall fall upon the property owner.

2. It shall also be the responsibility of the property owner to close the boreholes per Commonwealth of Pennsylvania regulations.

3. The driller performing the work shall prepare and submit copies of his findings to the Township and the party seeking permission to utilize the property prior to any significant work being performed on the site.

(Ord. 12-10-12(E), 12/10/2012, §27-1504)

Part 16**Cellular Telecommunications Requirements****§27-1601. Introduction.**

Cellular telephone facilities are an important component of modern life and as such are a necessary land use. However, towers may be viewed as intrusions upon the landscape since they range from 75 to 150 feet in height. The challenge is to locate sites which are appropriate and yet compatible with surrounding land uses.

(Ord. 12-10-12(E), 12/10/2012, §27-1601)

§27-1602. General.

The following general provisions apply to all cellular telecommunications facilities:

A. The location of the tower and equipment building shall comply with all natural resource standards of the Commonwealth of Pennsylvania and this Chapter.

B. The following buffer plantings shall be located around the perimeter of the security fence:

(1) An evergreen screen shall be planted that consists of either a hedge, planted 3 feet on center maximum, or a row of evergreen trees planted 10 feet on center maximum.

(2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

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

(4) The tower shall be designed and constructed to applicable standards of the American National Standards Institute, ANS/EIA-222-E manual, as amended. It is the responsibility of the applicant to provide the Township with proof that these standards are being met.

(5) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANS/EIA-222-E, as amended, shall be submitted to the Covington Township Supervisors to document and verify the design of the foundation for the tower and anchors for the guy wires if used. The cost of this report is the responsibility of the applicant.

(6) All plans and drawings for the tower and antenna shall contain a signature and seal of a professional engineer a copy of which shall be given to the Township prior to any construction.

(7) The tower and antenna shall be designed to withstand wind gusts of at least 100 miles per hour.

(8) An antenna may not be located on a building or structure that is listed on a historic register or is in a historic district.

(9) Cellular communications facilities may be combined with another use on a property with the existing use subject to the following conditions:

(a) The existing use on the property may be any use in the district and need not be affiliated with the cellular telecommunications provider.

(b) The cellular telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

(c) The minimum lot size shall be the area needed to accommodate the tower and guy wires if used, the equipment building, security fence, and buffer planting.

(d) An 8-foot-high security fence shall surround the cellular communications facility including any buildings and guy wires if used.

(10) Cellular communications facilities may be attached to an existing structure or building subject to the following conditions:

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

(b) The building shall comply with the minimum setback requirements for the subject zoning district and the tower shall be set back from any property line abutting another lot a distance at least equal to the height of the tower.

(c) An 8-foot-high security fence shall surround the building and guy wires if used.

(11) The applicant shall demonstrate the tower for the telecommunications facility is the minimum height necessary for the service area.

(12) The applicant shall demonstrate that the telecommunications facility must be located where it is proposed in order to serve the applicant's service area.

(Ord. 12-10-12(E), 12/10/2012, §27-1602)

Part 17

[Reserved]

Part 18**Conditional Uses****§27-1801. Authorization to Grant or Deny Conditional Use.**

A conditional use listed in this Chapter may be permitted, enlarged or altered upon authorization by the Board of Supervisors in accordance with the standards and procedures of this Part and upon compliance with any special standards for the particular use as set forth in this Chapter. In permitting a new conditional use or the alteration of an existing conditional use, the Township may impose, in addition to those standards and requirements expressly specified by this Chapter, additional conditions which the Township considers necessary to protect the best interests of the surrounding area or the Township as a whole. Those conditions may include but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
- B. Limiting the height, size or location of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Increasing the street width.
- E. Increasing the number of required off-street parking spaces.
- F. Limiting the number, size, location and lighting of signs.
- G. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- H. Designating sites for open space.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1801)

§27-1802. Filing of Conditional Use.

For any use permitted by conditional use, a conditional use application must be filed with the Board of Supervisors. In addition to the information required on the building permit application, the conditional use application must also show:

- A. Ground floor plans and elevations of any proposed structures.
- B. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
- C. A sketch plan, to scale, showing the location of the building, access to public roads, proposed and existing parking, and other pertinent information which may be requested by the Township, together with a detailed description of the proposed use.
- D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of all other zoning, subdivision, and State and local code requirements unless waivers or variances are obtained from the appropriate agency.
- E. That the proposed building use will comply with all height, coverage, area, and yard requirements of the zoning district in which it is located, unless currently nonconforming, and which all requirements for parking, signage and other

regulations which would be applicable for the zoning district where such use would be permitted by right.

F. The applicant and property owner must accept such reasonable conditions and safeguards as the Board of Supervisors deems necessary to preserve the spirit and intent of this Chapter which may include, but are not limited to, larger than normal buffer yards, screening, landscaping, restrictions, or exterior changes, or other acts which will reduce the impact of the proposed use on the surrounding property, and to maintain the character of the zoning district.

G. The proposed use, if approved, may not be later expanded beyond that area designated in the original application for a conditional use.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1802)

§27-1803. General Criteria.

1. The proposed use shall be consistent with the purpose and intent of this Chapter.

2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.

3. The proposed use will not effect a change in the character of the subject property's neighborhood.

4. Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.).

5. The proposed use shall comply with those criteria specifically listed in Parts 9 and 12 of this Chapter.

6. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1803)

§27-1804. Site Plan Approval.

1. Any site plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a building permit.

2. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require another conditional use approval.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1804)

§27-1805. Hearing Procedures.

1. Before voting on the approval of a conditional use the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the Township planning agency at least 30 days prior to the hearing on such application to provide the Township planning agency an opportunity to submit recommendation.

2. Public notice as defined herein, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on or near the affected tract of land at least 1 week prior to the hearing.

3. The Board of Supervisors may prescribe reasonable fees without respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.

4. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including, civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board of Supervisors for that purpose.

5. The Chairman or Acting Chairman of the Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors; or shall be paid for by the person appealing the decision of the Board of Supervisors if such appeal is made. The cost of additional copies shall be paid for by the person requesting such copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

9. The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearing with any party or his representative unless all parties are given an opportunity to be present.

10. The Board of Supervisors shall render a written decision, or, when no decision is called for, make written findings on the conditional use request within 45 days after the last hearing before the Board of Supervisors is concluded. The Board of Supervisors in approving conditional use applications may attach such reasonable conditions and

safeguards as it may deem necessary.

11. The grant of approval of a conditional use shall not relieve the applicant from filing and having the Township approve any land development, subdivision, or site plan which may be required by other Township regulations.

12. The hearing shall be conducted by the Board of Supervisors or the Board of Supervisors may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision on the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or finding of the hearing officer as final.

13. Where the Board of Supervisors fails to render the decision within 45 days of the last hearing, or fails to commence the required hearing within 60 days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

(Ord. 12-10-12(E), 12/10/2012, §27-1805)

Part 19**Zoning Hearing Board****§27-1901. Board's Functions: Appeals from the Zoning Officer.**

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid Chapter or map or any valid rule or regulation governing the action of the zoning officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pa.R.C.P. 1091 to 1098, relating to mandamus.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1901)

§27-1902. Board's Functions: Challenge to the Validity of any Chapter or Map.

The Board shall hear challenges to the validity of a zoning chapter or map. In all such challenges, the board shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1902)

§27-1903. Board's Functions: Variances.

The Board shall hear requests for variances where it is alleged that the provisions of the zoning Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

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

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

C. That such necessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that

will afford relief and will represent the least modification possible of the regulation in issue.

F. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1903)

§27-1904. Board's Functions: Special Exceptions.

The Board shall hear requests for special exceptions as provided for in this Chapter and subject to all applicable requirements.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1904)

§27-1905. Board's Functions: Other Powers.

The Board shall have the power to make such decisions as may be authorized from time to time by the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, or this Chapter pursuant to procedures and requirements of applicable law or this Chapter.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-1905)

Part 20**Nonconforming Uses****§27-2001. Nonconforming Uses.**

1. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

2. Nonconforming uses may be increased in area provided that the total of all such expansions shall not exceed 25% of the area of the use or building devoted to the nonconforming use when the use or building became nonconforming.

3. Expansion of the nonconformity shall be confined to the lot on which it was located on the day it became nonconforming.

4. Nonconformities may be increased in size only upon grant of a special exception by the Zoning Hearing Board. Such expansion shall comply with all other requirements and standards of this Chapter.

5. The Zoning Officer shall make an official registration of each and every nonconforming use as of the date of the enactment of this Chapter.

6. No nonconforming building, structure or use shall be changed to another type of nonconforming use.

7. A building which is damaged by fire, explosion, flood or other casualty to the extent of 75% or more of its market value at the date of the damage as determined by fair market value of the building, and which does not comply with the provisions of this Chapter, may be restored by the person(s) who own the property at the time of the damage. Otherwise, it shall not be restored except in conformity with the provisions of this Chapter.

8. A lawful nonconforming building destroyed to the extent of less than 75% by fire, explosion, flood or other casualty or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

A. The reconstructed building shall not exceed in height, area or volume, the building destroyed or condemned.

B. Building reconstruction shall be commenced within 1 year from the date the building was destroyed or condemned and shall be carried on without interruption.

(Ord. 12-10-12(E), 12/10/2012, §27-2001)

§27-2002. Alterations.

1. A nonconforming building or structure may be altered or improved within the confines of the existing buildings.

2. A nonconforming building or structure may be altered, improved or reconstructed in excess of 50% of the fair market value of the building or structure, but not exceeding 100% of the fair market value as determined by the Tioga County

Assessor if approved as a special exception by the Zoning Hearing Board.

3. A nonconforming building or structure may be altered to the extent necessary if such alteration is intended and will result in the building or structures conversion to a conforming use.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2002)

§27-2003. Expansion.

A nonconforming use may be expanded upon approval as a special exception by the Zoning Hearing Board subject to and provided the following:

A. The expansion does not encroach upon the front, side and rear yard requirements and the maximum building height requirements of this Chapter.

B. The expansion is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Chapter.

C. Such expansion does not result in an increase in total floor area, or lot use area or more than 100% of the original floor area or lot area.

D. Adequate parking can be provided in conformance with this Chapter to serve both the original plus expanded use.

E. Such expansion does not present a threat to the health or safety of the community or its residents.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2003)

§27-2004. Unsafe Structure.

Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building declared unsafe by a proper authority.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2004)

§27-2005. Construction Approved Prior to Legal Enactment of Ordinance.

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a permit has been issued and the construction of which shall have diligently proceeded within 6 months of the date of such permit.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2005)

§27-2006. Abandonment.

The nonconforming use of a building or lot which has been abandoned shall not thereafter be returned to such nonconformity use. A nonconforming use shall be considered abandoned when one of the following conditions exists:

A. When the intent of the owner to discontinue the use is apparent.

B. When the characteristic equipment or furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 6 months.

C. When a nonconforming use has been discontinued for a period of 1 year.

D. When it has been replaced by a conforming use.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2006)

Part 21**Amendments****§27-2101. Authorization to Initiate Amendments.**

Amendments shall be in accordance with the Pennsylvania Municipalities Planning Code.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2101)

Part 22**Administration and Enforcement****§27-2201. Appointment and Powers of Zoning Officer.**

For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in Covington Township, shall be appointed by the Board of Supervisors.

A. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.

B. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction of any use or change of use which does not conform to this Chapter.

C. The Zoning Officer shall be authorized to institute civil enforcement proceedings as a means of enforcement.

D. The Township Supervisors may also designate as many Deputy Zoning Officers as it deems necessary.

(Ord. 12-10-12(E), 12/10/2012, §27-2201)

§27-2202. Enforcement.

It shall be the duty of the Zoning Officer to enforce the provisions of this Chapter and such power and authority as is necessary for the enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for building permits and land use, and upon determination that all proposed activities are in accordance with the requirements of this Chapter and all other relevant Chapters, shall authorize issuance of building permits and/or certificates of use and occupancy, as the situation may warrant.

(Ord. 12-10-12(E), 12/10/2012, §27-2202)

§27-2203. Application for Building Permits or Certificates of Use or Occupancy.

The applicant shall be responsible to submit sufficient data with an application for a building permit or certificate of use and occupancy to enable the Township to review said application for full compliance with the provisions of this and other Chapters. The Township reserves the right to request the applicant to submit information certified by a professional engineer or registered surveyor licensed by the State of Pennsylvania, when it is deemed necessary for an accurate review of the application. Particular attention is drawn to the need to submit data necessary to review and calculate the net developable acres of a site.

(Ord. 12-10-12(E), 12/10/2012, §27-2203)

§27-2204. Permits.

Building permit administration shall be governed by provisions of the currently adopted Building Code or codes of Covington Township; provided, however, that no

building permit shall be issued until the Zoning Officer has certified that the proposed building, structure, addition or alteration thereto complies with all the provisions of this Chapter.

(Ord. 12-10-12(E), 12/10/2012, §27-2204)

§27-2205. Conditions of Permit.

1. No building permit shall be issued until the fees prescribed by the Board of Supervisors have been paid to the Township.

2. The payment of fees described in this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Chapter or other regulation.

3. The permit or use shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this Chapter.

4. All work or use shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan.

(Ord. 12-10-12(E), 12/10/2012, §27-2205)

§27-2206. Records.

It shall be the duty of the Zoning Officer to keep records of all applications received, all permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued. He shall file and safely keep copies of all plans permitted, and the same shall form a part of the records of his office and shall be available for the use by the Board of Supervisors and other officials of the Township.

A. Certificate of Use and Occupancy.

(1) When a certificate of use and occupancy is required. It shall be unlawful to use or occupy any structure, building, or land or portion thereof hereinafter established until a certificate of use and occupancy for such structure, building, or land or portion thereof has been issued by the Township. The application for issuance of a certificate of use and occupancy shall be deemed to have been made at the same time an application for a building permit is filed with the Township. If a building permit is not required, a certificate of use and occupancy will still be required.

(2) The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe or may be made on the same application as is required for a permit.

(3) The application shall contain a description of the intended use and occupancy of any structure, building, or land or portion thereof for which a permit or certificate of use and occupancy is required herein.

(4) The Zoning Officer or Building Official shall inspect any structure, building or use within 10 days after notification that the proposed work that was listed under the permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, a certificate of use and occupancy shall be issued for the intended use listed in the original application. The certificate of use and

occupancy or a true copy thereof shall be kept available for inspection by the Zoning Officer at all times.

B. Appeals and Applications to the Zoning Hearing Board.

(1) Appeals and applications to the Zoning Hearing Board from the terms of this Chapter shall be filed with the Zoning Officer and shall contain:

- (a) The name and address of the applicant.
- (b) The name and address of the owner of the real estate involved in the appeal.
- (c) A brief description and location of the real estate involved in the appeal.
- (d) A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof.
- (e) Reference to the section of this Chapter under which the appeal or application is filed; or, reference to the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for the appeal.
- (f) An accurate description if the present and/or proposed use intended to be made, indicating the size and use of such proposed use. In addition, there shall be attached a plot plan of the involved real estate as required to accompany applications for permits.

C. Building Permits. Building permits shall be required prior to erection, construction, improvement, alteration or demolition of any structure, building or portion thereof. If a building permit is not required, no property may be used until a certificate of use and occupancy has been obtained.

(Ord. 12-10-12(E), 12/10/2012, §27-2206)

§27-2207. Enforcement Notice.

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

3. The enforcement notice shall state at least the following:

- A. The name of the owner or record and any other person whom the Township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2207)

§27-2208. Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2208)

§27-2209. Enforcement Remedies.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for violation of the Zoning Chapter shall be paid over to the Township.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2209)

Part 23**General****§27-2301. Saving Clause.**

1. Should any Section, paragraph or provision of this Chapter be declared invalid by a court of record, such finding shall not affect the validity of the remaining provisions of this Chapter as a whole or any part thereof, other than the part so declared invalid.

2. The interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the protection of the public health, safety, morals or general welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or Chapters, the most restrictive or that imposing the higher standard shall govern.

(*Ord. 12-10-12(E)*, 12/10/2012, §27-2301)

