

Chapter 300. Zoning

Article VI. Industrial Districts

§ 300-44. General provisions.

- A. Permitted uses. Uses are permitted in industrial districts in accordance with § **300-45**.
- B. Special exception uses. The Zoning Hearing Board is authorized to grant special exceptions for uses specified in § **300-45** for applications meeting the following criteria:
 - (1) The proposed use shall not undermine the general manufacturing, assembling and warehousing character of the district and shall not reduce the likelihood of additional manufacturing, assembling and warehousing operations being attracted to locate in the district.
 - (2) The use shall not generate high levels of vehicular traffic, nor noise, noxious odors, air pollution or glare.
 - (3) The manner, location and hours of operations and of deliveries to the premises shall be compatible with the daily cycle of active and quiet periods associated with any adjacent residential uses.
- C. Accessory uses. The following accessory uses are permitted when used in conjunction with a principal use or structure:
 - (1) Retail sales, in conjunction with a principal use, provided that no more than 15% of the total tract gross floor area shall be devoted to retail uses.
 - (2) Security watch stations for watchmen or caretakers.
 - (3) Cafeteria or canteen for the sole use of employees and visitors to the establishment.
 - (4) Repair facilities for the maintenance of vehicles used in the operation of the principal use.
 - (5) Storage garages for vehicles used in the operation of the principal use.
 - (6) Parking for principal and accessory uses in conformance with Article **XI**.
 - (7) Parking structures in accordance with § **300-46** and Article **XI**.
- D. Prohibited uses. All uses not listed in § **300-45** as permitted or special exception uses are prohibited, with the following uses expressly prohibited:
 - (1) Sanitary landfill, incinerator or other mass burn facility, resource recovery facility or any form of municipal solid waste disposal or processing not specifically set forth in § **300-45**.
 - (2) Manufacture, processing or storage of explosives or explosive devices.
 - (3) A facility the sole purpose of which is the manufacture, processing or storage of hazardous material.

- (4) Abattoirs, breweries, tanning or leather curing or storage of raw hides or skins or the rendering of fat.
- (5) Manufacture, processing or storage of fertilizer, soaps, pesticides, wood pulp, disinfectant or industrial gas production or separation.
- (6) Residential uses, except for those listed in § **300-44C**.
- (7) Churches, chapels, synagogues or similar houses of worship, convents or monasteries, including rectory or parish houses.
- (8) Public and private schools.
- (9) Petroleum refining.
- (10) Metal smelting.
- (11) Coke ovens for the processing of coal.
- (12) Any use unable to meet the requirements of § **300-44E** or that is or may be dangerous to the public health, safety, morals or public welfare or that constitutes a public hazard whether by fire, radioactivity, explosion or otherwise or that is noxious or offensive by reason or odor, dust, fumes, smoke, steam, gas, vibration, glare, noise or toxicity.

E. Performance standards. Any activity or use in industrial districts shall comply with the following performance standards:

- (1) Airborne emissions. No activity in any industrial district shall be reactivated, established, modified, constructed or operated without having obtained valid permits and/or certificates from the Pennsylvania Department of Environmental Protection or its successor agency for airborne emissions. Such proof of compliance shall consist of duplicate copies of such permits and/or certificates for the current time period. In addition to the requirements of the Department of Environmental Protection or its successor agency, the following requirements shall apply:
 - (a) Dust. Dust and other similar types of air pollution borne by the wind from storage areas, the removal of natural materials, yards, parking areas or other open areas shall be minimized by landscaping, sealing or other acceptable means.
 - (b) Particulate matter. No use shall exceed the national ambient air quality standards established in the Federal Clean Air Act or the requirements of Titles 25 and 35 of the Pennsylvania Code as they are amended and adopted for particulate matter.
 - (c) Odor. No operation shall release materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, that cause or will cause odorous matter or vapor to be generated so as to be readily discernible without instruments from any point along the boundaries of each property.
 - (d) Smoke or steam. No use may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringelmann No. 1, except that an emission that does not exceed a density of equivalent capacity of Ringelmann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential district. All measurements shall be taken at the point of emission of the smoke. (For the purpose of determining the density of equivalent opacity of smoke, the Ringelmann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringelmann number referred to in this section refers to the number of the area of the Ringelmann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringelmann No. 1 indicates a twenty-percent density of the smoke observed.)

- (e) Toxic matter and hazardous material. Emissions of chemicals, gases, components or elements listed as being toxic matter or hazardous material by the American Conference of Governmental Industrial Hygienists, the Pennsylvania Department of Environmental Protection or its successor agency or or the U.S. Environmental Protection agency, shall not exceed any stated Threshold Limit Value in any industrial district. No emission of toxic matter shall exceed 50% of the Threshold Limit Value in any adjacent residential or commercial district.
- (2) Electricity. Electric or electronic equipment shall be shielded such that no interference of radio and television broadcasts shall be discerned beyond the operator's property.
- (3) Glare. No activity or use shall produce a strong, dazzling light or reflection of this light beyond its property lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light or reflection will not be a nuisance to adjoining properties, dwellings, streets or districts. In no event shall a lighting intensity greater than .25 footcandle (2.7 lux), measured at grade, be permitted beyond property lines.
- (4) Heat. No activity or use shall produce heat perceptible beyond its property lines and no use shall be permitted that would cause the ambient water temperature, as defined by the Pennsylvania Department of Environmental Protection or its successor agency, to rise or fall more than 5° F. (2.8° C.) during the ten-year, seven-day low flow in any natural pond, stream, river or other watercourse.
- (5) Noise.
 - (a) No activity or use shall produce a sound pressure level on adjacent property in excess of the level permitted in the following table:

Octave Band Frequency		Residential District (decibels)	Nonresidential (decibels)
Less than	Greater than (Hz)		
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1,200	46	53
1,200	2,400	40	47
2,400	4,800	34	41
4,800	-	32	39

- (b) The maximum permitted sound levels for residential districts shall apply between the hours of 7:00 a.m. and 6:00 p.m. and shall be reduced by six decibels in each octave band for any other time of day. For the purposes of this section, decibels shall mean A-weighted decibels.
- (6) Storage and waste disposal. All materials or wastes shall be deposited upon a site in such a form or manner that prevents contamination of surface water or groundwater resources. All waste products shall be disposed of in accordance with regulations as they are adopted and amended by county, state and federal agencies.
- (7) Vibration.
 - (a) No activity or operation shall produce at any point along the property line continuous earthborne vibrations greater than the maximum displacement as permitted in the following table:

Frequency (Hz)		Residential District Displacement (in inches)	Nonresidential Displacement (in inches)
Less than	Greater than		
0	10	.0004	.0020
10	20	.0002	.0010
20	30	.0001	.0006
30	40	.0001	.0004
40	50	.0001	.0003
50	-	.0001	.0002

(b) Discrete pulses that do not exceed 100 impulses per minute may not produce more than twice the displacement specified in the table.

- F. Off-street parking and loading. Off-street parking and loading shall be provided in accordance with Article **XI**.
- G. Buffers. Buffers shall be provided in accordance with Article **X**.
- H. Signs. Signs shall be in accordance with Article **XII**.
- I. Sewer and water facilities. All development in industrial districts shall be served by central water facilities and central sanitary sewer facilities acceptable to the Board of Commissioners and subject to the approval of the Pennsylvania Department of Environmental Protection or its successor agency and the appropriate municipal authority providing water or sewer facilities.
- J. Subdivision of a tract. The subdivision of a tract of land into lots may occur only for financial purposes and not so as to permit individual lots to be treated as independent parcels for separate development at a future time. Subdivision of a tract may occur only when deed restrictions are executed and recorded which maintain the lots as an integral part of a total tract land development.
- K. Locational criteria for adult uses. No adult use shall be located within:
[Added 5-11-1998 by Ord. No. 98-11]
 - (1) One thousand feet of:
 - (a) An institutional use, including churches, schools, health-care facilities and child-care facilities.
 - (b) Any other adult use.
 - (c) An interstate highway.
 - (2) Five hundred feet of:
 - (a) Any residential district boundary line.
 - (b) Any private or public park or open space.
- L. General provisions pertaining to adult uses:
[Added 5-11-1998 by Ord. No. 98-11]
 - (1) Permits required. A permit to operate an adult use shall only be issued if the applicant is successful in obtaining a conditional use for the proposed adult use and the applicant successfully meets all health, use, occupancy and/or building permit requirements as defined in the pertinent codes and ordinances of Marple Township and the pertinent BOCA codes as the same may be from time to time amended.
 - (2) Application for a permit. The application for a permit to operate an adult use must be made on the form provided by the Code Enforcement Officer of Marple Township. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including

all of the interior walls and including a statement of the total floor space occupied by the adult use.

- (3) Initial inspection. The premises must be inspected by and found to be in compliance with all applicable codes and ordinances by the Code Enforcement Officer and the Fire Marshal.
- (4) Applicant's identification. Any person who wishes to operate an adult use as an individual must sign the application for permit as an applicant. If the applicant is other than an individual, each individual who has an interest in the business must sign the application for permit as an applicant. If a corporation desires to operate an adult use, each officer, director and shareholder must sign the application for a permit as an applicant.
- (5) Application approval. The Code Enforcement Officer shall approve the issuance of a permit to an applicant within 60 days after the applicant has received conditional use approval by the Board of Commissioners of Marple Township and will not approve a permit if the Code Enforcement Officer finds any one or more of the following to be true:
 - (a) Applicant is under 18 years of age.
 - (b) Applicant has failed to provide information reasonably necessary for the issuance of a permit or has falsely answered a question or request for information on the application form.
 - (c) The premises have been inspected by the Code Enforcement Officer or Fire Marshal and are found not to be in compliance with the applicable codes and ordinances.
 - (d) The permit fee required by this chapter has not been paid or the permit fees of health, use, occupancy and/or building permits have not been complied with or the fees not paid.
 - (e) Applicant of the proposed adult use is in violation of or is not in compliance with any of the provisions of this chapter.
- (6) Posting of permit. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use. The permit shall be posted in a conspicuous place at or near the entrance of the adult use so it can be read at any time.
- (7) Permit renewal. The permit, if granted, shall expire one year from the date of issuance. The applicant must, prior to the expiration date, file an additional application in order to continue operating the adult use without interruption. Applications for renewal should be made at least 30 days prior to the expiration date. When an application is made less than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the permit.
- (8) Certification. The Code Enforcement Officer and Fire Marshal shall complete their certification that the premises are in compliance or not in compliance with the applicable codes and ordinances within 30 days of receipt of an application. This certification shall be properly presented to the Code Enforcement Officer.
- (9) Denial of renewal. If the Code Enforcement Officer denies a renewal of a license, the applicant shall not be issued a permit for one year from date of denial, except that after 90 days of lapse since the date of denial, the applicant may be granted a permit if the Code Enforcement Officer finds that the basis for denial of the renewal permit has been corrected or abated.

M. Inspection of adult uses.

[Added 5-11-1998 by Ord. No. 98-11]

- (1) Inspection at any time. An applicant or permittee shall permit the Code Enforcement Officer, Fire Marshal or other Township officials to inspect the premises of an adult use for the purpose of ensuring compliance with this chapter and with the law. Said inspection shall occur any time when the adult use is occupied or open for business.

(2) Violation. A person who operates an adult use or its agent, servant or employee, violates this chapter for refusal to permit such lawful inspection on the premises.

N. Fees for adult uses. The annual fee for an adult use is as set from time to time by resolution of the Board of Commissioners.

[Added 5-11-1998 by Ord. No. 98-11]

O. Suspension of permits for adult uses. The Code Enforcement Officer shall suspend a permit for a period not to exceed 30 days if he determines that a permittee or an agent, servant or employee of the permittee has:

[Added 5-11-1998 by Ord. No. 98-11]

(1) Violated or is not in compliance with the provisions of this chapter.

(2) Refused to allow inspection of the adult use premises as authorized by this chapter.

P. Revocation of permits for adult uses.

[Added 5-11-1998 by Ord. No. 98-11]

(1) Revocation for cause for suspension. The Code Enforcement Officer shall revoke a permit if a cause for suspension set forth in § 300-44O occurred and the permit has been suspended within the preceding 12 months.

(2) Revocation for other causes. The Code Enforcement Officer shall have the power to revoke a permit if it is determined that:

(a) A permittee or any agent, servant or employee has given false or misleading information or materials submitted to the Township during the application process.

(b) A permittee or any agent, servant or employee has knowingly allowed any activity on the premises that is in violation of the Pennsylvania Crimes Code.^[1]

[1] *Editor's Note: See 18 Pa.C.S.A. § 101 et seq.*

(c) A permittee or any agent, servant or employee of the permittee operated the adult use during a period of time when the permit was suspended or revoked.

(d) A permittee or any agent, servant or employee of the permittee knowingly allowed any action of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted premises.

(e) A permittee is delinquent in the payment to the Township of any fees that are due.

(3) Period of revocation. When the Code Enforcement Officer revokes the permit, the revocation shall continue for a period of one year and the permittee shall not be issued an adult use business permit for one year from the date when the revocation became effective. If, subsequent to revocation, the Code Enforcement Officer finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days has elapsed since the date the revocation became effective.

§ 300-45. Permitted uses.

The Table of Permitted Uses - Industrial is included at the end of this chapter.

§ 300-46. Development standards.

The Table of Development Standards — District I is included at the end of this chapter.

§ 300-47. I Light Industrial District.

- A. Permitted uses. Uses are permitted in I Light Industrial Districts in accordance with § **300-45**. Specified uses are allowed as special exception uses in accordance with § **300-44B** when authorized by the Zoning Hearing Board. Accessory uses are permitted in accordance with § **300-44C** and Article **XIII**.
- B. Development standards. Uses shall occur in accordance with the standards of § **300-46**.
- C. Conditional uses. Subject to the general standards set forth in § **300-131** governing conditional uses, the following uses shall be permitted as conditional uses when authorized by the Board of Commissioners:
 - (1) Medical marijuana grower/processor: a medical marijuana grower/processor use shall be permitted as a conditional use pursuant to Board of Commissioners' approval and in accordance with the specific standards set forth below:
 - (a) The maximum floor area of a grower/processor facility shall have sufficient space set aside for secure storage of marijuana seeds, related finished product and marijuana-related materials used in production or for required laboratory testing.
 - (b) There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any grower/processor facility where medical marijuana growing, processing or testing occurs.
 - (c) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with policies of the Department of Health of the Commonwealth of Pennsylvania. No such remnants or byproducts shall be disposed of in any unsecure exterior refuse container.
 - (d) A medical marijuana grower/processor facility shall not be located within 1,000 feet of a property line of any institutional zoning district or institutional zoning use, including, but not limited to, public, private and parochial schools and day-care centers. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.
 - (e) A medical marijuana grower/processor facility shall be a minimum distance of 1,000 feet from the next nearest medical marijuana grower/processor facility.