

ARTICLE 13 - LI, LIGHT INDUSTRIAL DISTRICT

SECTION 1300 PURPOSE

The LI District is designed primarily for selected light industrial development with a view to encouraging attractive, large-site, low lot coverage uses which have direct access to a major highway. The purpose of this Article is to encourage those light industrial uses which would not constitute a hazard or nuisance related to traffic congestion, environmental quality (as addressed in the Environmental Controls in Article 19), or adjoining property owners. Further, this District is intended to provide opportunity for permitted adult entertainment uses. The uses are permitted in accordance with specialized standards designed to minimize the impact of their secondary impacts.

SECTION 1301 USE REGULATIONS

A building may be erected, altered or used, and land may be used or occupied, subject to the provisions of Article 15 and Article 16, for any of the following and no other:

A. Permitted Principal Uses:

1. Research, engineering, or testing laboratories.
2. Business and professional offices, including bank.
3. Publishing, printing, lithographing, bookbinding or similar establishment.
4. Warehouse, wholesale, storage or distribution use, but excluding truck terminals.
5. Manufacture, assembly or treatment of articles or merchandise from the following previously prepared materials: plastics, bone, canvas, cellophane, cork, feathers, fiber, glass, horn, leather, and fur (excluding tanning, curing and dyeing) precious or semi-precious metals or stones, textiles and tobacco.
6. Manufacture and assembly of electrical or electronic devices; home commercial and industrial appliances and instruments; and electrical supplies, including such equipment and supplies as: lighting fixtures, fans, home radio and television receivers, electric switches, lamps, washing machines, refrigerators, and air-conditioners.
7. Manufacture of: ceramic products (using only previously pulverized clay); novelty or small products from previously prepared paper or cardboard (not including bulk processing); jewelry, clocks, and watches; medical, drafting, optical and

other professional and scientific instruments and equipment; musical instruments; small rubber products and synthetic treated fabrics (excluding all rubber and synthetic processing); textiles (including spinning and weaving, but not including wool scouring and pulling, or jute or burlap processing or reconditioning); toys; wood products (excluding planing mills and bulk processing of wood and lumber).

8. Processing, packaging, and treatment or compounding of such products as cosmetics and toiletries, drugs, perfumes and pharmaceuticals.
9. Processing and combining of food products (except meat and fish), including baking, canning, cooking, freezing, and mixing, but not including manufacture of basic products from the raw state or such processes as: drying, smoking, preserving, or curing meats, or manufacturing sauerkraut, vinegar or yeast, fish, milling flour, roasting coffee or spices.
10. Light metal processes such as: metal machining, finishing, grinding and polishing; metal stamping and extrusion of small products (such as costume jewelry and kitchen utensils); and the manufacture of light metal products, tools and hardware (such as hand tools, bolts, nuts).
11. Bottling, packing or packaging establishment.
12. Commercial laundry or dry cleaner not for use by the public on the premises.
13. Manufacture of paper or cardboard boxes, envelopes, containers and novelties from previously prepared paper or cardboard.
14. Indoor recreational uses, including, but not limited to: tennis or squash courts, swimming pools, skating rinks and health clubs.
15. Restaurant or cafeteria.
16. Contractor's Shop and Yard.
17. Public Garage.
18. Automated Teller Machines (ATMs).
19. Towers (Cellular and Broadcast) in accordance with Section 1920.

B. Permitted Accessory Uses:

1. Accessory uses on the same lot and customarily incidental to the principal uses permitted in Section 1301.A. above.
2. Parking in accordance with Article 17.
3. Signs in accordance with Article 18.

C. Conditional Uses: (Refer to Article 21, Section 2112)

1. The following uses and their related accessory uses, provided a satisfactory Environmental Impact Assessment Report is prepared, as set forth in Article 19, Section 1915.
 - a. Adult entertainment uses which shall not be permitted in any other zoning district in the Township, and which shall comply with Section 1921, as follows:
 - (1) Adult arcades;
 - (2) Adult bookstores, adult novelty stores, or adult video stores;
 - (3) Adult cabarets;
 - (4) Adult motion picture theaters;
 - (5) Adult theaters;
 - (6) Escort agencies;
 - (7) Nude model studios; and
 - (8) Sexual encounter centers.
 - b. Carnivals or street fairs.
 - c. Commercial drop-off and pick-up boxes.
 - d. Sidewalk sale.
 - e. Any use of the same general character as those permitted in Section 1301.A. herein, provided that all Environmental Controls, as set forth in Article 19, Section 1914, are assured; and, further provided that a satisfactory Environmental Impact Assessment Report is prepared, as set forth in Article 19, Section 1915.

D. Uses by Special Exception (Refer to Article 21 and 22)

1. Boarding Kennel.
2. Breeding Kennel.
3. Research, Vivisection or Dealer Kennel.
4. Car wash.

The maximum height of buildings and other structures erected, enlarged or used in this district shall be thirty-five (35) feet, (except that) such height may be increased to a maximum of forty-five (45) feet, if for every one (1) foot of height in excess of thirty-five (35) feet, there shall be added to each yard requirement two (2) corresponding feet of width or depth; and except as provided in Section 1920 relative to cellular towers.

SECTION 1303 **AREA AND BULK REGULATIONS**

A. Principal Permitted Uses

1. Lot Area - A lot area not less than two (2) acres shall be provided for every principal building or structure erected or used for any use permitted in Section 1301.A. unless otherwise defined for a specific use by other provisions of this Ordinance.
2. Lot Width at Building Line - A lot width of not less than one hundred fifty (150) feet at the building line shall be provided for every building.
3. Lot Width at Street Line - A lot width of not less than one hundred (100) feet at the street line shall be provided.
4. Impervious Surface and Building Coverage - Not more than sixty (60) percent of the total area of any lot shall be covered by impervious surfaces and not more than forty (40) percent of the total area of any lot shall be occupied by buildings.
5. Depth of Front and Rear Yards - There shall be a front yard and a rear yard on each lot, neither yard having a depth of less than seventy (70) feet.
6. Width of Side Yards - On each lot there shall be at least two (2) side yards having a minimum aggregate width of one hundred (100) feet, except for corner lots as provided below; and, neither side yard shall have a width of less than forty-five (45) feet. On each corner lot there shall be two (2) front yards, both of which shall have a width of not less than seventy (70) feet.

B. Conditional Uses

1. The area and bulk regulations for Conditional Uses shall be as follows:
 - a. Minimum Lot Area: 7 Acres
 - b. Minimum Lot Width at Building Line: 300 feet
 - c. Minimum Lot Width at Street Line: 150 feet
 - d. Maximum Building Coverage: 20 percent
 - e. Maximum Impervious Surface Coverage: 40 percent

- f. Minimum Front and Rear Yards: 150 feet
- g. Minimum Width of Side Yards: 100 feet

C. Uses by Special Exception

- 1. The area and bulk regulations for uses by Special Exception shall be as follows:
 - a. Minimum Lot Area: 5 acres
 - b. Minimum Lot Width at Building Line: 250 feet
 - c. Minimum Lot Width at Street Line: 100 feet
 - d. Maximum Building Coverage: 20 percent
 - e. Maximum Impervious Surface Coverage: 40 percent
 - f. Minimum Front and Rear Yards: 100 feet
 - g. Minimum Width of Side Yards: 75 feet

SECTION 1304 SCREENING AND LANDSCAPING REGULATIONS

- A. In addition to the screening and landscaping provisions of Article 17, Section 1707, related to screening at the street line and landscaping within parking lots, and the requirements of Article 19, whenever an industrial or business lot abuts a residential or agricultural lot, screen planting shall be required along the interior sides of the rear and side yard lot lines as follows:
 - 1. A buffer planting strip shall be provided. It shall be a minimum of fifteen (15) feet in width measured from the rear and side yard lot lines.
 - 2. A screen must be created of sufficient height and sufficient density to constitute a continuous visual buffer at the time of occupancy.
 - a. When planting screens are employed the effective height of the continuous visual buffer shall be no less than five (5) feet in height.
 - b. When fencing is employed the effective height of the continuous visual buffer shall be not less than six (6) feet subject to the provisions of Article 19, Section 1902.
 - 3. The type of plant materials to be used shall be subject to review and approval by the Board of Supervisors upon the recommendation of the Planning Commission.

4. All screening and landscaping requirements shall be shown on a Landscaping Plan, which shall be submitted to, and evaluated by, the Board of Supervisors.
5. All screening and landscaping shall be in accordance with Section 1917 and the Edgmont Township Subdivision and Land Development Ordinance.

SECTION 1305 ENVIRONMENTAL CONTROLS

The provisions of Article 19, Section 1914 shall apply.

SECTION 1306 VEHICULAR CONTROLS

The provisions of Article 17 regarding Off-Street Parking and Loading shall apply.

SECTION 1307 OUTDOOR STORAGE AND DISPLAY

The provisions of Article 19, Section 1910 shall apply.

SECTION 1308 APPROVAL PROCEDURE

- A. Notwithstanding the procedure for review of Conditional Uses, whenever a subdivision or land development is proposed, all applicable regulations of the Edgmont Township Subdivision and Land Development Ordinance shall be followed.

SECTION 1309 DEFINITION OF TERMS

As used herein in Section 1301.C.1.c., the following words shall have the meaning herein indicated.

ADULT ARCADE - means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE - means a commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals or other printed matter, or

photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE so long as one (1) of its business purposes (consisting the lesser of either a) one thousand (1,000) square feet or b) at least twenty-five percent (25%) of the sales and/or rental area of the business) is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT CABARET - means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity or semi-nudity; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT ENTERTAINMENT USE - means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

ADULT ENTERTAINMENT USES, ACCESSORY - Any business which has less than or equal to ten percent (10%) of their stock or floor area allocated to, or less than twenty percent (20%) of their gross annual receipts derived from, an adult entertainment use as permitted by this

Ordinance.

ADULT ENTERTAINMENT USES, PRINCIPAL - Any business which has more than ten percent (10%) of their stock or floor area allocated to, or twenty percent (20%) or more of their gross annual receipts derived from, an adult entertainment use as permitted by this Ordinance.

ADULT MOTION PICTURE THEATER - means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT THEATER - means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

EMPLOYEE - means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

ESCORT - means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY - means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

NUDE MODEL STUDIO - means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. Where in order to participate in a class a student must enroll at

least three (3) days in advance of the class; and

3. Where no more than one nude or semi-nude model is on the premises at any one time.

NUDITY or a STATE OF NUDITY - means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

PERSON - means an individual, proprietorship, partnership, corporation, association, or other legal entity.

SEMI-NUDE or in a SEMI-NUDE CONDITION - means the state of dress in which clothing partially or opaquely covers Specified Anatomical Areas.

SEXUAL ENCOUNTER CENTER - means a business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nudity.

SEXUALLY ORIENTED BUSINESS - means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS - means human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES - means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in 1. and 2. above.

SUBSTANTIAL ENLARGEMENT - of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas exist on the date of enactment of this Ordinance.