

**CHANGES IN THE
NORTHERN TIER COALITION DRAFT ZONING ORDINANCE
DATED JUNE 25, 2008 FOR**

**Apolacon Township ✧ Bridgewater Township ✧ Choconut Township
Forest Lake Township ✧ Franklin Township ✧ Friendsville Borough
Jessup Township ✧ Liberty Township ✧ Little Meadows Borough
Middletown Township ✧ Rush Township**

Note: <u>Double underline</u> denotes additions and strikeout denotes deletions.

DEFINITIONS

Accessory Structure, Residential: A structure or portion thereof incidental and subordinate to the principal residential use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure. Accessory residential structures include, but are not limited to, boardwalks, decks, docks, gazebos, pavilions, sheds, and stairways.

Deck: An attached accessory structure elevated more than twelve (12) inches and constructed of wood with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principal building.

Lot Area: The horizontal land area contained within the lot lines of a lot, measured in acres or square feet. The net lot area shall not be less than the minimum required lot size for the Zoning District as determined by deducting the following areas of constrained land from the total lot size:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing or proposed public or private streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
designated wetlands	0.95
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.50
ponds, lakes and streams	1.00
If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.	

Lot, Existing of Record: Any lot or parcel of property which was legally in existence and properly on file with the Susquehanna County Recorder of Deeds in the form of a duly filed deed or subdivision plat prior to the effective date of this Zoning Ordinance, as amended.

Planning Commission: The Planning Commission or Joint Planning Commission of the Municipality.

Off-Site Sewage Disposal: See sewage disposal system, central or community. A sanitary sewage collection system in which sewage is carried from individuals lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as

~~off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.~~

Off-Site Water Supply: See *water supply, central or community*. A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central supply which may be publicly or privately owned and operated.

Oil or Gas Well: A bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term "well" does not include a bore hole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam.

~~On-Site Sewage Disposal: See *sewage disposal system, on-site*. A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.~~

~~On-Site Water Supply: See *water supply, on-site*. A single system of piping, tanks or other facilities serving only a single lot and providing drinking water.~~

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

Stable, Private: An accessory structure ~~or use of land~~ where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use.

Wind Turbine Generator, Accessory: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens, and is not intended to interfere with or abrogate or annul any pre-existing or vested property rights. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough/Township except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

201 General Community Development Objectives

This statement of the Community Development Objectives is included under the authority of §606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include, ~~but are not limited to the following:~~

Article IV - Schedule of Uses

- Include *oil or gas wells* as a conditional use in all zoning districts
- Add *wind turbine generator, accessory* as an accessory use in all zoning districts. With a note to see §859.

SCHEDULE OF DEVELOPMENT STANDARDS

NOTE: Larger lot sizes, setbacks or other standards may be required by other sections of this Ordinance. In any case the most restrictive shall apply.

Minimum lot size and density

Type of Sewage Disposal and Water Supply	Minimum Lot Size (acres)		Minimum Land Area for Multi-Family Dwellings (acres/dwelling unit)
	single-family dwellings and non-residential uses*	two-family dwellings*	
on-site sewage disposal and on-site water supply <u>except in Franklin Township</u>	1.00	1.50	(central sewage and central water required) See §603
on-site sewage disposal and on-site water supply <u>in Franklin Township</u>	<u>2.00</u>	<u>3.00</u>	
on-site sewage disposal and central water supply	1.00	1.50	
central sewage disposal and on-site water supply	1.00	1.50	
central sewage disposal and central water supply	0.50	0.75	

* as permitted in the zoning district by the Schedule of Uses

Lot dimensions for lots proposed in a standard subdivision (See §601 for Conservation Design)

	Lot size equal to or greater than (acres)		
	1.00	0.75	0.50
Minimum width (feet)	125	100	75
Maximum depth to width ratio (no lot need exceed a width of 300 ft)	4:1	4:1	4:1
Minimum street frontage (feet)	not less than 50% of required lot width except for flag lots as provided by the SALDO		

Minimum building setback requirements for all uses (See §601 for Conservation Design)

	Lot size equal to or greater than (acres)			nonconforming lots less than 0.50 acres
	1.00	0.75	0.50	
Front - from edge of each right-of-way (feet)	30	25	25	20
Each side - from property line (feet)	20	20	15	15
Rear - from property line (feet)	20	20	15	15
Special conservation setbacks	wetlands - §704.2; lakes/ponds - §704.3; streams - §704.5			
Residential maximum lot coverage (percent)	25	30	35	40
Non-residential maximum lot coverage (percent)	commercial and institutional - 50 light manufacturing; manufacturing and industry - 60			

Maximum building height (feet) -- see §501.4 for exceptions

residential	35
commercial and institutional	40
light manufacturing; manufacturing and industry	50

LO - LAKE OVERLAY DISTRICT (See §404.1)

INTENT - The intent of this District is to provide standards for the use of lakes of fifteen (15) ~~five (5)~~ or more acres in size and which is fronted by more than one (1) property, along with the area of the fifty-foot buffer strip established by §704.3 of this Ordinance. (See §401.5.) The preservation of the water quality and the recreation appeal of the lakes is in the best interest of the health, safety and welfare of the residents of the municipality and the public as a whole. The standards prohibit the occupancy of boats on an overnight/permanent basis in order to prevent the discharge of waste for the protection of the public health and safety and to maintain water quality. Standards are also included to limit commercial activities and operations on the lakes to minimize congestion and maintain the public safety.

DISTRICT ESTABLISHMENT - The Lake Overlay District shall include all lakes of five (5) acres or more in size and which is fronted by more than one (1) property, along with the area of the fifty-foot buffer strip established by §704.3 of this Ordinance.

<p style="text-align: center;">PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Outdoor recreation uses in accord with the rules and regulations of the Pennsylvania Fish and Boat Commission, the Susquehanna River Basin Commission, the Pennsylvania Department of Environmental Protection and other governing agencies. <p style="text-align: center;">ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory boat docks and swimming docks - Accessory structures in accord with §704.3,C 	<p style="text-align: center;">SPECIAL EXCEPTIONS (Zoning Hearing Board)</p> <ul style="list-style-type: none"> - none <p style="text-align: center;">CONDITIONAL USES (Planning Commission /Borough Council)</p> <ul style="list-style-type: none"> - Commercial lake access facilities on lakes with existing public access
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NOTE: The following uses shall not be permitted:

1. Any use not specifically listed by this schedule except as approved in accord with §404.2.
2. Lake access facilities. (See definition in Article III.)
3. Residential occupancy of any boat or other water craft. Residential occupancy shall be considered as the use of any water craft for ~~either short-term, overnight or longer-term,~~ weekend, week, and/or seasonal occupancy; and for purposes other than pleasure boating, water skiing, swimming, fishing or other water-based recreation activities. For the purposes of this provision the determination of residential occupancy shall be made exclusively by the Zoning Officer ~~Borough~~.
5. The sale of any product or service which requires the transfer of said product or service from any dock to any water craft or from one water craft to another, or from a water craft to a dock or to the shore.
6. The mooring of boats, docks or any floating devices which are not accessory to a lake front lot.

503.3 Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met.

All applications for home occupations which are not specifically enumerated as permitted accessory uses in §503.3,A or §503.3,B,13, shall not be permitted in the R District. In all other districts, all applications for home occupations not specifically enumerated as permitted accessory uses in §503.3,A or §503.3,B,13, or excluded by §503.3,B,12, shall be considered conditional uses. In the case of conditional uses, based upon the potential nuisances of a proposed home occupation not specifically permitted by this §503.3, the Governing Body ~~Zoning Hearing Board~~ may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate.

The following standards shall apply:

- A. No-Impact Home Occupations - In accord with the Pennsylvania Municipalities Planning Code, , the following no-impact home-based businesses shall be permitted as an accessory use in all Zoning Districts. Zoning Officer shall consider applications for no-impact home occupations without the need for any hearing before, or referral

to, the Governing Body.

A no-impact home-based business is 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 as set forth in §107 of the Pennsylvania Municipalities Planning Code:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The businesses shall employ no other 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 use, 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 twenty-five (25) percent of the habitable floor area.
8. The business may not involve any illegal activity

B. Other Home Occupations - If a proposed home occupation does not qualify as a no-impact home occupation the following standards shall apply:

1. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
2. In the R District the total area used by all home occupations on the premises does not exceed twenty-five (25) percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Ordinance. In all other districts the total area shall not exceed fifty (50) percent and accessory structures for the home occupation may be added.
3. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
4. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that a home occupation is being operated except for a sign, if permitted, and required parking area.
5. In the R District the home occupation shall be conducted only by members of the family residing in the dwelling and not more than one (1) person other than residents of the dwelling shall be employed on the premises. In all other districts, the number of nonresident employees shall not exceed three (3).
6. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.

7. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
8. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.
9. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the R District, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
10. One (1) sign not more than ten (10) square feet for each face shall be permitted in accord with Article XI.
11. §701, Performance Standards, shall also apply to home occupations.
12. The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, crematoria, funeral parlors or other uses not meeting the requirements of this §503.3.
13. The following types of uses shall be permitted as accessory uses in all Zoning Districts and the Zoning Officer shall consider applications for the same in accord with the standards in this §503.3.B, without the need for any hearing before, or referral to, the Governing Body:
 - a. Professional offices for individual practitioners
 - b. Rooming and/or housing of not more than two (2) persons.
 - c. Custom dressmaking or tailoring.
 - d. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 - e. Tutoring for not more than four (4) individuals simultaneously.
 - f. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
 - g. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
 - h. Single practitioner beauty shops and barbershops.

TABLE 603.2 MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	3	2	2
Density -- number of dwelling units per acre of useable land area (See §601.4,D,1 for Adjusted Tract Acreage)	<u>6</u> 2	<u>8</u> 3	<u>10</u> 4
Maximum number of dwelling units per building	6	8	<u>20</u> 12
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	see §603.1,D,1		

806 Animals, Keeping of

TABLE 806 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES					
Type of Use (In Districts Where Permitted)	Minimum Lot Size* (acres)	Number of Horses Permitted	Property Line Setback (ft)	Road** Setback (ft)	Existing Building*** Setback (ft)
<u>Private Stables in RA and CI Districts</u>	<u>not regulated</u>				
Private Stables <u>in R and VC Districts</u>	2	2 horses plus 1 horse per each additional full acre	50	50 <u>(see §806.2,E)</u>	100
Commercial Stables, Horses for Hire	5	not regulated	100	75 <u>(see §806.3,E)</u>	100
Kennels	2	not applicable	75	75	200
*The required minimum lot size for the principal structure is included in the minimum lot size for the stable/kennel. **Applies to any public or private road right-of-way. ***Applies to any existing principal residential or commercial building not located on the project premises.					

806.2 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in accord with the Schedule of Uses and in the R and VC Districts the following conditions shall apply:

A. Parcel Size - Two (2) acres ~~in all Districts~~.

G. ~~Nuisances; Manure Management~~ - ~~The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Municipality.~~

§809 Commercial Communication Devices

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission and/or the Federal Communications Commission, and other commercial antennae and associated facilities. Such CCD and support structure and associated facilities shall be permitted only in the districts as provided in this §809 and the Schedule of Uses.

§813 Detention Facilities

813.5 State and Federal Regulations

The Applicant shall provide documentation of compliance with all applicable state and federal regulations governing the proposed detention facility.

825 Mineral Extraction

825.1 Findings; Pennsylvania Municipalities Planning Code

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. ~~In addition, the Planning Code now severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Municipality.~~ Planning Code §603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.* The Code, at §603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the Pennsylvania

Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. ~~These Acts regulate such things as dust, noise, blasting, water supply effects, reclamation and certain setbacks.~~

825.2 Intent

The intent of this section is to ensure the Municipality is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of conditional uses, to establish the foundation for any conditions required to protect the public health, safety and general welfare. ~~In addition, location standards are included which are not addressed by the preemptive state statutes. The primary location standard is the designation of certain zoning districts where mineral extraction is allowed in order to minimize negative effects on residential areas while providing reasonable opportunity for mineral extraction as a lawful use in the Municipality.~~

825.3 Mineral Extraction Use Classification; Mineral Processing a Separate Use

Mineral extraction shall be permitted only in those Districts as listed in the Schedule of Uses ~~the RA District~~ in accord with the following:

- A. Mineral Extraction as a Conditional Use - The following types of mineral extraction, as defined and regulated by the Pennsylvania Department of Environmental Protection (DEP), shall be considered conditional uses:
1. Any Noncoal Surface Mining Activity which requires a *large license/small permit* or a *large license/large permit* from DEP.
 2. Any Underground Noncoal Mining Activity
 3. Any oil or gas well exploration, drilling or extraction.
- B. Mineral Extraction as a Principal Permitted Use - The following types of mineral extraction, as defined and regulated by the Pennsylvania Department of Environmental Protection (DEP), shall be considered principal permitted uses:
1. Any Noncoal Surface Mining Activity, which requires a *small license/small permit* from DEP.
 2. Other mineral extraction activities which are not classified as conditional uses.
- C. Mineral Processing (See also §826.)
1. Separate and Distinct Use; Conditional Use in CI District - Any use which involves the refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, cutting, sawing, washing, grading, refinement or purification of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of stone, concrete and clay products, shall be considered mineral processing, which is a separate and distinct use regulated by this Zoning Ordinance as a conditional use in the CI District.
 2. Incidental with Extraction Operation - This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation.
 3. RA District - In the RA District, mineral processing shall be permitted only in association with a conforming mineral extraction operation. Mineral processing may be included as part of the initial conditional use application for new mineral extraction operations where required. In the case where mineral processing is proposed on the site of an existing mineral extraction operation, a separate conditional use application shall be required.

825.4 Standards; Setback; Buffer

In addition to the performance standards in §701 and all other applicable standards of this Ordinance which are not preempted by state statute, mineral extraction operations shall comply with the following:

- A. Setback - A setback of one hundred (100) feet shall be maintained between any mineral extraction operation and adjoining properties (unless reduced by mutual agreement of the adjoining owners) and public road rights-of-way.

- B. Undisturbed Buffer - The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads.
- C. Conditional Use Buffers - In determining the type and extent of the buffer required for conditional uses, the Municipality shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
1. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 2. Buffers shall be designed in accord with §701.1 of this Ordinance and the design details shall be included on the site plan. Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Municipality Subdivision and Land Development Ordinance.
 3. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- D. Other Conditions of Approval - If the Municipality determines that the standards in §701 which are not preempted are not adequate, the Governing Body shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions may be related to hours of operation, more stringent noise control, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

825.5 Local, State and Federal Regulations

Mineral extraction operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to, the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

825.6 Informational Requirements

The applicant shall provide:

- A. Application Information - The information required by this §825, §1202.3,C, and all other necessary information to enable the Municipality to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

825.7 Reporting Requirements

For any mineral extraction operation approved by the Municipality, the operator shall submit to the Municipality copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

825.8 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §825.

826 Mineral Processing

Mineral processing is considered a conditional use in the CI District; and, in the RA District, mineral processing shall be permitted only as a conditional use in association with a conforming mineral extraction operation. In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §826 shall apply.

826.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

- A. Setbacks - The following setbacks shall be maintained for any mineral processing operation:
1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 2. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
 3. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- B. Buffer
1. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Municipality shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

826.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

826.3 Informational Requirements

The applicant shall provide the information required by this §826.3 and all other necessary information to enable the Municipality to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Municipality based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §826, §1202.3,C, and all other necessary information to enable the Municipality to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

826.4 Reporting Requirements

For any mineral processing operation approved by the Municipality, the operator shall submit to the Municipality copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

844 Shooting Ranges and Archery Ranges -- Outdoor Commercial

844.1 Setbacks

- A. All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and any public road right-of-way. ~~not less than seven hundred and fifty (750) feet from any principal residential or~~

~~commercial structure existing on the effective date of this §844. This shall not apply to structures on the same parcel as the shooting range.~~

858.4 Standards (for wind energy facilities)

- A. Wind Energy Facility Height - The applicant shall demonstrate that the wind turbines are at the minimum height required to function satisfactorily. No wind turbine that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the District minimum lot size shall apply; and, in all cases, the lot shall be of such size that all required setbacks are satisfied.
 2. Lease, License or Easement - If the land on which the wind energy facility is leased, or is used by license or easement, the setback for any wind turbine, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no wind turbine shall be located closer to any property line (not lease, license or easement line) than 1.1 times the hub height of the turbine.
 3. Public and Semi-Public Structures - No wind turbine shall be located less than two thousand (2,000) feet from any existing public or semi-public principal structure measured from the center point of the turbine base. (For the purposes of this §858, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.)
 4. Principal Structures on Wind Energy Facility Parcel - No wind turbine shall be located less than five (5) times the total height of the wind turbine as measured from the highest point of the rotor plane ~~six hundred (600) feet~~ from any existing principal structure on the wind energy facility parcel or lease, license or easement parcel as measured from the center point of the turbine base, unless the property owner provides written permission allowing for a lesser distance. (For the purposes of this §858, *existing principal structure* shall mean any existing principal structure or any principal structure for which a zoning permit has been issued.) In no event shall the setback distance be less than 1.1 times the total height of the wind turbine as measured from the highest point of the rotor plane.
 5. Principal Structures on Other Parcels - No wind turbine shall be located less than five (5) times the total height of the wind turbine as measured from the highest point of the rotor plane ~~two thousand (2,000) feet~~ from any principal structure existing on any other parcel prior to the erection of the wind turbine as measured from the center point of the turbine base unless the owner of such existing principal structure shall have executed a written waiver or non-disturbance easement, covenant or consent, any of the aforementioned which has been recorded in the Office of the Recorder of Deeds. Such easement or covenant shall run with the land and, at a minimum, provide that the said property owner waives and releases any and all claims, damages and/or losses resulting from higher noise levels, visual impacts or flickering reflections and/or shadows which may arise as a result of the location of a wind turbine generator within the established setback distance of an existing principal structure on the property of the owner executing same. Such easement, covenant or consent shall meet such requirements as to form and content as may be required by the Municipality. In no event shall the setback distance be less than 1.1 times the total height of the wind turbine as measured from the highest point of the rotor plane.
 6. Property Lines and Public Roads - No wind turbine shall be located not less than 1.1 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane.
 7. Communication and Electric Lines - No wind turbine shall be located not less than 1.1 times the total height of the wind turbine from the nearest above ground public electric power line or public telephone line or other public communication line as measured from the highest point of the rotor plane.

859 Wind Turbine Generators, Accessory

An accessory wind turbine generator is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory. Accessory wind turbine generators are permitted in all districts only in compliance with the following:

A. Setback

1. No part of the wind turbine generator structure shall be located closer to any property line or road-right-of-way than the two-thirds (2/3) of the height of the structure as measured from the highest point of the rotor plane.
2. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.

B. Noise - Noise from the accessory wind turbine generator shall comply with §701.6. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

C. Uniform Construction Code - Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings documenting compliance with the Uniform Construction Code. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.

D. Compliance with FAA Regulations - Accessory wind turbine generators shall comply with applicable FAA regulations.

901.1 Purpose

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

906 Changes of Nonconforming Uses**906.1 Conditional Uses**

All changes of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XI of this Ordinance and the review factors in §912 of this Article. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Governing Body ~~in accord with classification of the uses in the Schedule of Uses of this Ordinance.~~ The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in an R District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

ARTICLE XI SIGNS - remove entire article and mark it as *RESERVED*.

1209.5 Completion

Any building construction shall be ~~started within six (6) months and be~~ completed within five (5) two (2) years of issuance of an applicable permit, unless a written extension is granted by the Zoning Officer for good cause. Otherwise, a permit shall be considered to have automatically expired at the end of such five-year two-year period.

§1216.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, including the full name, address and telephone number of the complainant, and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.