

**ARTICLE VIII**  
**STANDARDS FOR SPECIFIC USES**

**801 Adult Businesses**

801.1 Findings

In adopting these standards which apply to adult businesses, the Township Board of Supervisors has made the following findings in regard to the secondary effects on the health, safety and welfare of the citizens of The Township. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board of Supervisors, and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, 427 U.S. 50 (1976), and Northend Cinema, Inc., v. Seattle, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Saint Paul, Minnesota; Manatee County, Florida; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Los Angeles, California; Austin Texas; Seattle, Washington; Oklahoma City, Oklahoma; Beaumont, Texas; and New York City, New York; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

- A. The concern over sexually transmitted diseases is a legitimate health concern of The Township which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- F. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
- I. Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

- J. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- K. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- L. The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

#### 801.2 Intent

It is the intent of this §801 to:

- A. Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- D. Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.
- E. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

#### 801.3 Conditional Use

Adult businesses are classified as conditional uses in certain districts, which provides a suitable area for the development of such uses away from areas designated for residential development.

#### 801.4 Standards

In addition to the other applicable general standards and the conditional use criteria contained in this Ordinance, the following standards shall apply to adult businesses:

- A. Setback - Adult businesses shall not be located less than:
  - 1. One hundred and fifty (150) feet from any public road right-of-way (or any property line coterminous with or within a public road right-of-way) unless the standards in §§3 and §§ 4 of this §801.4,A require larger setbacks;
  - 2. One hundred and fifty (150) feet from any property line (not coterminous with or within a public road right-

of-way; see §801.4,A,1) unless the standards in §§3 and§§ 4 of this §801.4,A require larger setbacks;

3. Five hundred (500) feet from any:
    - a. residence
    - b. group care facility
    - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
    - d. public or semi-public building or use
    - e. public park or public recreation facility
    - f. health facility
    - g. any establishment that sells alcoholic beverages; and,
  4. One thousand (1,000) feet from any:
    - a. church or synagogue
    - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within two hundred and fifty (250) lineal feet of any existing adult business.
- C. Measurement - The setback distances established in this §801 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
- D. Enlargement - An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance, but only in accord with Article IX of this Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §801 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in Subsection "E" above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any type of adult business.
- G. Location of New Neighboring Uses -An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under Subsection "A" above is developed within the required setback distance. Any additions or expansions of the use shall comply with Subsection "A" above.
- H. Reserved
- I. Visibility and Signs: - No sexually explicit material, signs, display, silhouette or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of Article XI of this Ordinance; however, business identification signs shall be limited to a maximum of twenty (20) square feet and signs attached to the building facade shall be limited to a maximum total of ten (10) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.
- J. Exemption for Modeling Class: It is a defense to prosecution under this §801 that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State, or an academically accredited college or university;
2. By 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;
3. In a structure -
  - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
  - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
  - c. where no more than one (1) nude model is on the premises at any one time; or
4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

## **802 Reserved**

### **803 Agricultural Uses -- Crop Production and Livestock Operations**

In addition to the other applicable standards of this Zoning Ordinance, agricultural uses shall be subject to the following requirements:

#### **803.1 Crop Production**

Crop production shall be permitted in any district on any size of parcel of land.

#### **803.2 Livestock Operations**

Livestock operations shall be permitted only in those districts as designated on the schedule of uses. In the R District a minimum of five acres shall be required and any barn or other indoor or outdoor area used for concentrated confinement of animals or manure storage shall not be less than one hundred (100) feet from any property line or road right-of-way. The setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.. (See §810 for *concentrated animal feeding operations*.)

#### **803.3 State Protected Agricultural Operations**

Nothing in this Zoning Ordinance is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

#### **803.4 Manure Odors**

Because the Township is a rural/agricultural area with many farms, the spreading of manure shall not be considered an offensive odor and shall be exempt from §701.10; however, this exemption shall not apply to sewage sludge or concentrated animal feeding operations.

### **804 Airports And Heliports**

The standards in this §804, in addition to other applicable standards in this Zoning Ordinance, shall apply to all existing and proposed airports and heliports as defined and regulated by this Ordinance.

#### **804.1 Conditional Use**

The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless conditional use approval has been granted. In addition to the requirements of §1208 of this Zoning Ordinance, the following procedures and criteria shall apply to any airport conditional use application. The following shall constitute changes at an airport requiring conditional use approval prior to the change:

- A. Any extension of a runway's length or location;
- B. Any change in the height of a runway;
- C. The paving of any previously unpaved portions of a runway, if such paving results in any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone;
- D. Any change of runway direction or alignment;
- E. Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;
- F. Any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone.
- G. Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

#### 804.2 Application Contents

The application for conditional use shall contain the following documents and information:

- A. A full narrative description of the airport and any changes proposed.
- B. Plans and maps prepared by a registered professional engineer showing the airport and any changes proposed to the airport.
- C. Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones.
- D. Copies of all applications, correspondence, documents, maps or plans submitted to FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change.
- E. A plan showing of how the lands or air rights negatively affected shall be acquired.
- F. A list of the names and addresses of all landowners negatively affected by the proposed airport or change within a height of seventy-five (75) feet from the surface of said lands by the change in airport hazard zones.
- G. A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

#### 804.3 Engineering Review

The Township Engineer shall review the application and report whether the application to the Planning Commission complies with all applicable ordinances, laws and regulations relating to airport hazard zones. The Township Engineer shall also report how the proposed airport or change will affect neighboring landowners and landowners in airport hazard zones. The Township Engineer shall also review and report on expected obstructions to aircraft resulting from the airport or change, and upon the adequacy, feasibility and practicality of the applicant's plan to acquire the necessary air rights.

#### 804.4 Costs

Any airport or change to an airport resulting in a change of airport hazard zones shall be considered a land development, and in accord with §503(1) of the Pennsylvania Municipalities Planning Code the applicant shall be responsible for paying all reasonable and necessary charges of the Township's professional consultants or engineer relating to application review and report under the terms of the Township Subdivision and Land Development

Ordinance.

**804.5 Notice to FAA, the Bureau of Aviation, and the County**

The Zoning Officer shall send a copy of the completed application to the Bureau of Aviation, FAA and the County Planning Department by certified mail, at least fourteen (14) days before the date of the hearing.

**804.6 Criteria to Review**

In acting on a conditional use, the Supervisors shall consider:

- A. The effect upon reasonable use of properties affected by the proposal.
- B. How the applicant plans to acquire any necessary air rights.
- C. The character of the flying operations expected to be conducted at the airport;
- D. The nature of the terrain within the airport hazard zone area;
- E. The character of the community which is affected by the proposal.
- F. The effect upon roads, development, transportation routes, and other aspects of the Township's Comprehensive Plan;
- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety.

**804.7 Runway and Landing Pad Setbacks**

The edges and ends of any runway and/or helicopter landing pad shall be a minimum of two hundred and fifty (250) feet from any property line.

**805 Amusement Parks**

Amusement parks are classified as conditional uses in certain districts and in addition to all other applicable standards of this Ordinance, amusement parks shall be subject to the following standards.

**805.1 Parcel Size**

A minimum parcel of five (5) acres shall be required.

**805.2 Fencing**

A fence not less than six (6) feet in height and of such design to restrict access shall completely surround the amusement park; and said fence shall not be placed less than ten (10) feet from any property line or public road right-of-way.

**805.3 Structure Height**

No ride, structure or other amusement attraction shall be located closer to any setback line than the height of said ride, structure or amusement.

**805.4 Hours of Operation**

Hours of operation shall be limited to the period between 9:00 a.m. and 11:00 p.m.

**806 Animals, Keeping of**

806.1 Kennels

Kennels are considered special exceptions in certain districts and shall be subject to §1208 of this Ordinance and the following conditions:

<b>TABLE 806 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES</b>					
Type of Use	Minimum Lot Size (acres)	Number of Horses Permitted	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private Stables in <u>All</u> Districts	2	2 horses plus 1 horse per each additional full acre	75	75	100
Commercial Stables, Horses for Hire	10	2 horses per full acre	100	75	100
Kennels where animals are kept or boarded outdoors at any time	10	not applicable	125	100	200
Kennels where animals are not kept or boarded outdoors at any time	5	not applicable	125	100	200

\*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.

- A. Parcel Size - See Table 806.
- B. Setbacks - Any structure, outdoor kennels, or animal exercise areas used for the keeping of dogs shall meet the setbacks on Table 806.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8:00 A.M.
- F. Wastes - All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §806.1,B until disposed of and proof of such disposal shall be provided to the Township.
- G. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in §§B of this §806.1 and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

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

the following conditions:

- A. Parcel Size - See Table 806.
- B. Number of Horses - See Table 806.
- C. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- D. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance.
- E. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- F. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 806, may be permitted as a special exception provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- 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 Township.
- H. Uses Permitted - The following types of uses shall be permitted as part of the operation:
  - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
  - 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806.
  - 3. Boarding of horses.

#### 806.3 Stables, Commercial and Horses for Hire

Commercial stables, including horses for hire, shall, in addition to all other applicable requirements of this Ordinance, comply with the following requirements:

- A. Parcel Size - A minimum parcel of twenty-five (25) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - See table 806.
- C. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- D. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- E. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply

where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback

- F. 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 Township.
- G. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
  2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806..
  3. Boarding of horses, and necessary buildings and structures.
  4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
  5. Sale of horses other than the horses raised or boarded on the premises.
  6. Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

#### 806.4 Zoos, Menageries, and Wild and Exotic Animals

No individual other than a registered veterinarian in the course of his professional duties, or a licensed falconer who keeps and maintains only his own birds, is permitted to maintain, keep or possess within the Township any wild or exotic animal except in an approved menagerie or zoo. Menageries and zoos shall, in addition to all other applicable requirements of this Ordinance, comply with the following requirements:

- A. A minimum parcel size of five (5) acres shall be required.
- B. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- D. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.
- F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- G. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. The operation shall conform to all applicable local, state and federal laws and regulations
- I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within one hundred twenty-five (125) feet of any adjoining property line and one hundred (100) feet from any public or private road right-of-way.

- J. The applicant shall provide for adequate disposal of all any waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

## **807 Reserved**

### **808 Bulk Fuel Storage Facilities**

In addition to all other applicable standards, bulk fuel storage facilities shall be subject to the specific regulations and requirements in this section and shall be permitted only in those districts as specified in the Schedule of Uses. The Township shall establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare.

#### **808.1 Parcel Size**

Bulk fuel storage facilities shall be located on a tract of land not less than three (3) acres in area.

#### **808.2 Setbacks**

Storage tanks shall be located not less than one hundred and fifty (150) feet from any property line or any road or street right-of-way line. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than two hundred (200) feet from any property line and not less than one hundred fifty (150) feet from any road or street right-of-way line.

#### **808.3 Fence**

The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent protection barrier approved by the Township.

#### **808.4 Other Regulations**

Bulk fuel storage facilities shall be developed in complete compliance with all applicable local, state, federal and insurance regulations and requirements and the applicant shall provide documentation confirming compliance.

### **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 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 Section 809 and the Schedule of Uses.

#### **809.1 Purposes**

- A. To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- C. To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.
- D. To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

#### **809.2 Permits; Use Regulations**

A permit shall be required for every CCD and support structure installed at any location and the following use regulations shall apply:

- A. Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in all districts as an accessory use and special exception approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be a special exception. The applicant shall provide the following information:
1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
  2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
  3. Evidence of recorded agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Fifteen Feet on Existing Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall be permitted only in RR and I Districts and shall require special exception approval in accord with this Section 809.
- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- D. CCD as a Second Principal Use - A CCD shall be permitted on a property with an existing use subject to the following land development standards:
1. The CCD facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
  2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
  3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  4. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

### 809.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant shall provide information on the general location of other towers/sites planned for the region.

- B. Collocation; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a five-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:
1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
  5. A commercially reasonable agreement could not be reached with the owners of such structures.
- C. CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily and provide adequate height for eight (8) service providers. The Township may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design (typically resembling a common tree) to ensure that the CCD is compatible with the surrounding landscape.
- D. Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum setbacks in this §§D shall apply.
1. Separate Parcel - If the parcel on which the CCD and support structure is a separate and distinct parcel, the distance between the base of the support structure and any adjoining property line shall not be less than the height of the CCD structure. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
  2. Lease, License or Easement - If the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, 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, the distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the CCD structure.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency or emergency communications interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit

certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.

- F. Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Collocation; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
- K. Color and Lighting; FAA and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.
- L. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or

within five-hundred (500) feet of such a structure.

- N. Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township shall also require a financial guarantee from the applicant for the removal of the structure, such guarantee in an amount deemed adequate by the Township and in a form approved by the Township Solicitor.
- O. Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the CCD.
- P. Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.
- Q. Review Fees - The Applicant shall pay all professional costs incurred by the Township for review of structural, radio frequency and other technical aspects of the proposal, and shall deposit with the Township an amount deemed adequate by the Township to cover the anticipated costs. Should the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the Applicant. No approval shall become effective until all costs have been paid by the Applicant.

**810 Concentrated Animal Feeding Operations**

This section is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supercede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act, and all information and studies required by this section shall, at a minimum include the information required by the Act.

810.1 Use Classification

Concentrated animal feeding operations shall be considered special exceptions.

810.2 Definition and Calculations

- A. Concentrated Animal Feeding Operation (CAFO) - Any operation which involves the raising of livestock or poultry where the animal density exceeds, on an annualized basis, two (2) animal equivalent units per acre of crop land or land suitable for application of animal manure. Acres suitable for application of manure include owned or rented crop land, hay land or pasture land that (1) is an integral part of the operation and (2) is or will be used for the application of manure from the operation. Farmstead (a minimum deduction of 2 acres is required) and forest land do not qualify.
- B. Animal Equivalent Unit (AEU) - One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of animals. To determine the number of AEU's associated with an operation the following formula shall be used:

$$\# \text{ of AEU's} = \frac{(\# \text{ of animals}^*) (\text{animal weight in pounds}) (\# \text{ of production days per year})}{(365 \text{ days per year}) (1,000 \text{ pounds})}$$

\*NOTE: average number on a typical production day

**810.3 Standards**

The following standards shall be applied to all CAFO's and no conditional use approval shall be granted until all required information and plans have been submitted by the applicant and have been approved by the Township. Failure of the applicant to implement any of the required plans shall constitute a zoning violation subject to the penalties and remedies contained in this Zoning Ordinance.

- A. The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be twenty-five (25) acres for a CAFO involving poultry and one hundred (100) acres for any other CAFO.
- B. CAFO buildings used for housing of animals shall not be less than two hundred fifty (250) feet from any property line and not less than five hundred (500) feet from any existing dwelling not located on the land with the CAFO.
- C. A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- D. A stormwater management plan shall be prepared meeting the requirements of the Township subdivision and land development ordinance.
- E. A conservation plan shall be prepared meeting the requirements of the County Conservation District.
- F. A buffer plan shall be prepared in accord with §701.1 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.
- G. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared.
- H. The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.
- I. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and federal regulatory agencies
- J. The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.
- K. The applicant shall dispose of solid and liquid waste daily in the manner that will avoid creating insect or rodent problems and minimize odor.
- L. The applicant shall document that the use of pesticides will meet state and federal requirements.
- M. No CAFO buildings shall be erected in the one hundred-year flood plain.

**811 - 812 Reserved****813 Detention Facilities**

In addition to all other applicable standards, detention facilities shall be in strict conformity with the following specific requirements and regulations and shall be permitted only in those districts as specified in the Schedule of Uses.

**813.1 Parcel Size**

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres.

**813.2 Site Design Standards**

The site shall be improved in accordance with the following minimum requirements:

- A. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
  1. residence
  2. group care facility
  3. commercial enterprises catering primarily to persons under eighteen (18) years of age
  4. public or semi-public building or
  5. public park or public recreation facility
  6. health facility
  7. church or synagogue
  8. public or private school
  
- B. A perimeter security fence, of a height and type determined by the Township, may be required.

**813.3 Security**

All applications for institutions shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

**813.4 Accessory Uses and Ancillary Activities**

Accessory uses permitted in conjunction with an institution shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided in conjunction with such institutions.

**814 Reserved****815 Forestry Enterprises****815.1 Permit Required**

A permit shall be required for all forestry enterprises.

**815.2 Soil Erosion and Sedimentation and Storm Water Control**

Any earth disturbance shall comply with §701.13 of this Ordinance and a soil erosion and sedimentation control plan shall be required. No earth disturbance or clear cutting shall be permitted within twenty-five (25) feet of any water body or stream except for PA DEP approved stream crossings.

**815.3 Best Management Practices**

Timber harvesting shall be conducted in accord with accepted best management practices. Accepted best management practices are generally those recommended by the Penn State College of Agricultural Sciences School of Forest

Resources, the Pennsylvania Department of Environmental Protection Bureau of Forestry, the Pennsylvania Forestry Association, the Pennsylvania Hardwoods Development Council, the Hardwood Lumber Manufacturers Association of Pennsylvania, and the Society of American Foresters. Many of these best management practices are detailed in the following publications:

1. *Best Management Practices for Pennsylvania Forests*, Penn State College of Agricultural Sciences, 1996.
2. *Timber Harvesting Issues in Pennsylvania*, Penn State College of Agricultural Sciences School of Forest Resources, undated.
3. *Best Management Practices for Silvicultural Activities in Pennsylvania's Forested Wetlands*, Penn State College of Agricultural Sciences School of Forest Resources and Pennsylvania Hardwoods Development Council, 1993.

#### 815.4 Township Road Bond

The Township may require a bond, letter of credit or other financial guarantee to assure that any damage to Township roads caused by logging or any other forestry enterprise is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

#### 815.5 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization -The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.
- E. Road Ditches - Ditches on the public road shall be cleaned and graded as necessary to be maintained to pre-harvest condition.

#### 815.6 Setbacks

- A. Residential and Nonresidential Buildings - Landing areas and log storage areas shall not be less than two hundred (200) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Landing areas and log storage areas shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands -Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

**816 - 819 Reserved****820 Junk Yards**

Junk yards shall be permitted only in those districts as specified in the Schedule of Uses and, in addition to the standards in Article VII, §1208 and other applicable regulations, shall comply with the following requirements:

**820.1 Annual License**

On and after the effective date of this Ordinance, no person shall establish, maintain or operate, or continue to maintain or operate a junk yard; and no person shall establish, maintain or operate, or continue to maintain or operate any premises in such manner which constitutes a junk yard under the terms of this Ordinance; except as authorized by this ordinance and without a license issued by the Township. All licenses shall be valid for a period of one (1) year beginning January 1<sup>st</sup> and expiring January 1<sup>st</sup> of the following year. All licenses must be renewed annually on or before January 1<sup>st</sup> of each year.

- A. Application - Any person intending to operate or currently operating a junk yard in The Township shall make annual application for a license. Said application shall be made on a form prescribed by the Township and shall, at a minimum, contain the following information. Said application shall be made concurrently with that for any required zoning approval.
1. Name of applicant, owner and partners
  2. Address and telephone of applicant
  3. The location of the junk yard
  4. Property owner if different than applicant
  5. Any criminal record of the applicant, owner or associates involved in the business
  6. Signature of the applicant and owner
- B. Plan - The application shall include a plan of the proposed junk yard showing, at a minimum, the following information:
1. All information required for land developments by the Township Subdivision and Land Development Ordinance.
  2. The location of principal structures on all properties within one thousand (1,000) feet of the junk yard premises.
- C. Annual Fee - The operator of every junk yard shall pay an annual license fee for the issuance or renewal of every license. The fee shall be established by Resolution of the Board of Supervisors.
- D. Annual Bond - The operator of every junk yard shall, as part of the annual license requirement, provide a bond to cover the cost of any junk removal or environmental remediation undertaken by the Township in response to violation of this Ordinance. Nothing herein shall legally bind the Board of Supervisors to effect the removal of any junk and the remediation of any environmental problems such as soil or water contamination associated with any junk, which shall remain the ultimate responsibility of the owner of the property upon which the junk is located and the owner of the junk.
1. Amount - A surety bond shall accompany every application for license. The amount of the bond shall be established by the Board of Supervisors based upon the size and nature of the proposed junk yard, but in no case shall the amount be less than twenty thousand dollars (\$20,000).
  2. Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Township may, in lieu of such surety bond, accept a bond executed by the applicant for license if such bond is secured by the deposit with the Township Secretary of a cashier's check, treasurer's check, or certificates of deposit of a banking institution in the total sum as established by the Board.

3. Annual Renewal - The bond shall be renewed and refiled annually along with the annual license renewal.
  4. Term - The bond shall be executed in favor of the Township and shall be for the use of the Township. The term of the bond shall be for eighteen (18) months.
  5. It shall be the condition of the bond that if upon and after the issuance of such license the said licensee does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the Board of Supervisors shall have the authority to use such bond to effect the required compliance and/or the removal of junk.
- E. Determination of Issuance - Upon receipt of a completed application and fee, the Board of Supervisors, at a duly advertised meeting, shall take action to grant or deny the license application or renewal. Said action shall be based upon the suitability of the premises for the operation of a junk yard; the character of adjacent properties and the likely effect of the junk yard; the general health, safety and welfare of Township residents; the potential hazards to neighboring properties and structures; and the past performance of the licensee in the case of renewals. No license shall be issued for a new junk yard unless and until the proper zoning and land development approvals are granted by the Board of Supervisors. If approval is granted, the licenses shall be issued and shall be conspicuously posted on the junk yard premises. Any license shall be for the operation of the junk yard only upon the premises for which the license is issued and no license shall be transferable by any means.
- F. Records - Every licensee shall maintain written records of the following information for all junk purchased, acquired or received:
1. Date and approximate time of purchase, acquisition or receipt of junk and disposition.
  2. Full and complete description including trade names and serial numbers, if any.
  3. Name and address of person from whom junk was obtained.
- Such records shall be maintained for a period of five (5) years and shall, at all times, be subject to the inspection of the Township.
- G. Revocation - Any license issued under this Ordinance may be revoked by the Board of Supervisors in the event the said licensee is found to have given any false information or in any way misrepresented any material fact upon which the Township has relied in granting the license; or, where the licensee violates any provisions of this Ordinance. No fee refunds shall be made in such case.

#### 820.2 Property Owner Responsibility

It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated and the owner of any such junk to comply with this Ordinance; and to provide for the removal of such junk and remediation of any environmental problems associated with any junk.

#### 820.3 Operating Standards

All existing and proposed junk yards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards:

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

- C. Screening - All junk yards shall be screened, to the satisfaction of the Board of Supervisors, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than one hundred (100) feet from any public road right-of-way, one hundred (100) feet to any property line or one hundred and fifty (150) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this §D shall not apply to junk yards existing prior to the effective date of this Ordinance and which fully complied with prior Township regulations applicable to junk yards. However, the expansion of any such existing junk yard into an area already not used for the storage of junk shall comply with this §D.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- I. Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with DEP requirements.
- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or

- major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- M. Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

## 821 - 824 Reserved

### 825 Mineral Extraction

#### 825.1 Findings

The primary minerals of importance extant in the Township are sand and gravel, and quarry stone. 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 Township. Planning Code Section 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 no 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 Section 603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state 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 setbacks, dust, noise, blasting, water supply effects, and reclamation.

#### 825.2 Intent

The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and 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 pre-emptive state statutes.

#### 825.3 Mineral Processing

Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, 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 concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated by this Zoning Ordinance as a conditional use. 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 in Districts where mineral extraction is permitted. 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 in accord with §826.

#### 825.4 Mineral Extraction, Minor

The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations. Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*. The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit. The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted. *Mineral extraction, minor* uses shall be exempt from the plan submission requirements of this §825; however, said operations shall comply with the operational and rehabilitation standards.

#### 825.5 Location Requirements

*Mineral extraction* and *mineral extraction, minor* shall be permitted only in those districts specified in the Schedule of Uses and only in accord with the requirements of this §825 and all other applicable Ordinance requirements. The mineral extraction operation shall comply with the following additional location requirements:

- A. Parcel Size: The minimum parcel size shall be ten (10) acres for *mineral extraction, minor* and fifty (50) acres for *mineral extraction*.
- B. Property Line Setback, Zoning District Setback and Buffer: A setback of one hundred (100) feet shall be maintained between any mineral extraction operation and adjoining properties and public road rights-of-way. These 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. In determining the type and extent of the buffer required, the Township 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. 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. 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 Township Subdivision and Land Development Ordinance. 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.

#### 825.6 Local, State and Federal Regulations

*Mineral extraction* and *mineral extraction, minor* 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.

#### 825.7 Information Requirements

The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Township Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with Section 702.4 of this Ordinance and Section 603(c)(2) of the Pennsylvania Municipalities Planning Code.

- A. DEP Application Information: The applicant shall provide a copy of all applications and information required by the applicable DEP Rules and Regulations. However, applicants proposing mineral extraction operations qualifying as *small noncoal operations* under DEP regulations shall provide all information required by Chapter 77 - Noncoal Mining of DEP Rules and Regulations for operations which are not considered *small*

*noncoal operations.*

- B. Surface and Ground Water Protection, Traffic Impact Study and Environmental Impact Statement - The Township shall require for *mineral extraction* and may require for *mineral extraction, minor*, the applicant to submit details about ground and surface water protection (see §701.12), an Environmental Impact Statement (see §703), and a Traffic Impact Study (see §708).

#### 825.8 Reporting Requirements

For any mineral extraction operation approved by the Township, the operator shall submit to the Township 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.

#### 825.9 Township Road Bond

The Township may require a bond, letter of credit or other financial guarantee to assure that any damage to Township roads caused by the operation and associated activities is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

#### 825.10 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization -The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

### 826 Mineral Processing

Mineral processing is considered a conditional use in certain districts; and, in the RA District, mineral processing shall be permitted only in association with a conforming mineral extraction operation. In addition to all other applicable standards of this Ordinance (e.g., §701 Performance Standards, §703 Environmental Impact Statement, and §708 Traffic Impact Study, §1208.4 Standards and Criteria), shall comply with the requirements of this §826.

#### 826.1 Parcel Size

The minimum parcel size shall be five (5) acres. In the case of mineral processing associated with a mineral extraction operation conforming to the requirements of this Ordinance, the mineral processing may be included on the mineral extraction parcel. (See also §825.3.)

#### 826.2 Setbacks

The following setbacks shall be maintained for any mineral processing operation:

- A. RA District - Two hundred (200) feet to adjoining properties and public road rights-of-way, and three hundred (300) feet to any existing residential structure not located on the project parcel.
- B. IND District - One hundred (100) feet to adjoining properties and public road rights-of-way, two hundred (200) feet to any adjoining zoning district boundary, and three hundred (300) feet to any existing residential structure not located on the project parcel.
- C. Water Bodies - No operation shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.

### 826.3 Buffer

- A. RA District - The buffer required by §825.5,B shall apply.
- B. IND District - 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. In determining the type and extent of the buffer required, the Township 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. 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. 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 Township Subdivision and Land Development Ordinance. 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.

### 826.4 Township Road Bond

The Township may require a bond, letter of credit or other financial guarantee to assure that any damage to Township roads caused by the operation and associated activities is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

### 826.5 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization -The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

### 826.6 Hours of Operation

Any activity associated with the mineral processing operation that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.

### 826.7 Burning

No burning whatsoever shall be permitted on the premises except as part of an approved mineral processing activity.

### 826.8 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.

### 826.9 Information Requirements

The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Township Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The applicant shall provide a copy of all applications and information required by DEP.

**826.10 Reporting Requirements**

For any mineral extraction operation approved by the Township, the operator shall submit to the Township 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.

**827 - 840 Reserved****841 Self-Storage Facilities**

Self-storage facilities shall be permitted only in those districts as specified in the Schedule of Uses and shall comply with the following standards in addition to all other applicable standards of this Ordinance.

**841.1 Bulk Requirements**

Minimum lot size, lot width and yards, and maximum lot coverage and building height shall conform to district standards. Minimum distance between buildings shall be twenty (20) feet.

**841.2 Setback Areas**

There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).

**841.3 Fence**

The facility shall be surrounded by a fence of such height and design as to restrict access to the warehouse, and said fence shall not be less than six (6) feet in height and shall be located between the warehouse and any required vegetative screening.

**841.4 Habitation**

No storage unit shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by a water supply or a sewage disposal system.

**841.5 Storage Limitations**

No storage unit shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.

**841.6 Lighting**

All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.

**841.7 Fire - Water Damage**

All storage units shall be fire-resistant and water-resistant.

**841.8 Materials Stored**

All self-storage facilities shall prohibit the storage of hazardous and explosive materials and all proposals shall include detailed information on the nature of materials to be prohibited on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this §841 are or will be satisfied.

**842 to 843 Reserved****844 Shooting Ranges and Archery Ranges -- Outdoor Commercial**

This §844 is intended to provide minimum standards to regulate commercial outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances. Such

ranges shall be permitted only in those districts as specified in the Schedule of Uses.

#### 844.1 Setbacks

- A. All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and 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.
- B. All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) 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.

#### 844.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §844. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

#### 844.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

#### 844.4 Hours of Operation

No firearm shall be discharged outdoors between the hours of 9:00 P.M. and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

#### 844.5 Fence

Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.

#### 844.6 Posting

A three hundred (300) foot perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.

#### 844.7 NRA, State and Federal Regulations

The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations.

### **845 Shopping Centers, Malls, and Multiple Occupant Commercial Establishments**

It is the intent of this §845 to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as *multiple occupant commercial establishments*) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Township. This shall be accomplished by:

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- C. Providing safe and convenient vehicle and pedestrian access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;

- D. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for shopping center patrons;
- E. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

#### 845.1 Conditional Use and Land Development

Any proposed multiple occupant commercial establishment shall be considered a conditional use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this §845.

Said proposal shall also be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and the Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.

- A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;
- B. A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the shopping center.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
- F. Location and dimensions of pedestrian entrances, exits, walks;
- G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- H. Preliminary architectural drawings for all buildings;
- I. Location, size, height, and orientation of all signs other than signs flat on building facades;

#### 845.2 Ownership

The site proposed for any multiple occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.

#### **846 to 847 Reserved**

#### **848 Solid Waste**

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in the Schedule of Uses, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §848.

#### 848.1 Traffic Study

The applicant shall provide a traffic study in accord with §708 of this Ordinance.

#### 848.2 Yards

No part of any facility created after the effective date of this Ordinance shall be located closer than three hundred (300) feet to an existing public right-of-way, property line or stream. The yard areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than fifty (50) feet in width shall be provided in all yards in accord with §701 of this Ordinance. Additional buffers and setbacks may be required in accord with this Ordinance.

#### 848.3 Fencing

All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing facilities and prior to the issuance of a certificate -of-use for a new facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

#### 848.4 Environmental Impact Statement

As part of the conditional use process, the Township may require the applicant to prepare and submit an Environmental Impact Statement pursuant to §703 of this Ordinance.

#### 848.5 Storage and Loading/Unloading

Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three (3) hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building with negative pressure, and over an impervious surface which drains into a holding tank that is then adequately treated.

#### 848.6 Effluent Treatment

The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.

#### 848.7 Dangerous Materials

No radioactive, hazardous, chemotherapeutic or infectious materials may be disposed of or stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

#### 848.8 Water Quality

The owner of any facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage or disposal of solid waste if water drainage from the facility is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the solid waste disposal facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental

Protection, the facility shall cease operation until such time as the source of the contamination has been identified and corrected.

#### 848.9 Emergency Access

The operator of the facility shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.

#### 848.10 Hours of Operation

Under the authority granted to the Township under State Act 101 of 1988, all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 7:00 p.m. and are not permitted to operate on Sundays, Christmas Eve Day, Christmas Eve, New Year's Day, 4th of July, Labor Day, Memorial Day or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 5:00 p.m. and not on Sundays or the above specified holidays.

#### 848.11 Nuisances

Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract. The operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant shall provide documentation to the satisfaction of the Board of Supervisors that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.

#### 848.12 Attendant and Inspections

An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a Conditional Use Permit, allow access at any time to the facility for inspection by appropriate Township Officials and provide the Township with the name and phone number of a responsible person(s) to be contacted at any time in the event of an inspection.

#### 848.13 State and Federal Regulations and Reporting

The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §848 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

### **849 Reserved**

### **850 Storage Yards for Forest Products and Minerals**

The intent of this section is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals. (See definition of *storage yards for forest products and minerals* in Article III.)

#### 850.1 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.

#### 850.2 Setbacks

- A. Residential and Nonresidential Buildings - Storage yards shall not be less than three hundred (300) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Storage yards shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

#### **851 Swimming Pool, Commercial**

Commercial swimming pools shall be permitted only in those districts as specified in the Schedule of Uses and, in addition to all other applicable requirements of this Ordinance, shall comply with the standards in this §851.

##### 851.1 Setback

The water surface shall be not less than fifty (50) feet from any lot line.

##### 851.2 Parcel Size

The minimum lot area shall be two (2) acres.

##### 851.3 Enclosure

A fence, wall or other enclosure not less than six (6) feet high and of a design to restrict access shall completely surround the area of the swimming pool. This enclosure shall be designed to be difficult for children to climb or slip through. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed when the pool is not in use.

##### 851.4 Access

Access to all pools shall be restricted when the pool is not in use.

##### 851.5 Hours of Operation

The hours of operation of outdoor commercial pools shall be limited to the hours between 9:00 a.m. and 9:00 p.m.

#### **852 Reserved**

#### **853 Treatment Centers/Clinics, Medical Offices, and Health Facilities**

In addition to all other applicable standards, treatment centers/clinics, and medical offices and health facilities including, but not limited to, hospital facilities, and nursing and adult homes, whether publicly or privately operated, shall comply with the following requirements and shall be permitted only in those districts as specified in the Schedule

of Uses.

#### 853.1 Waste Disposal

Details shall be provided by the applicant about the types and amount of medical and hazardous waste generated anticipated to be generated at the facility and how such waste will be handled, stored and disposed of in accord with state and federal requirements.

#### 853.2 Security

In cases where deemed necessary by the Township, the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

#### 853.3 Treatment Centers/Clinics

The following additional standards shall apply to treatment centers/clinics.

- A. In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of five (5) acres.
- B. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
  1. residence
  2. group care facility
  3. commercial enterprises catering primarily to persons under eighteen (18) years of age
  4. public or semi-public building or use
  5. public park or public recreation facility
  6. health facility
  7. church or synagogue
  8. public or private school
- C. A perimeter security fence may be required by the Township, and shall be a minimum of ten (10) feet in height and constructed of chain-link, topped with barbed or concertina wire as may be required by the Township.
- D. Methadone treatment facilities, as defined by §621(d) of the Pennsylvania Municipalities Planning Code, shall, in addition to the other requirements of this §853, comply with the requirements of §621 of the Pennsylvania Municipalities Planning Code.

### **854 - 855 Reserved**

#### **856 Vehicle Related Uses**

Vehicle related uses shall be permitted only in those districts as specified in the Schedule of Uses, and in addition to all other applicable standards, shall comply with the standards in this §856.

#### 856.1 Car and Truck Wash Facilities

All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least seventy-five (75) feet from the intersections of the front and side street right-of-way lines.
- D. The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three (3) automobiles.
- E. Any wash facility located within two hundred (200) feet of any residential district shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

#### 856.2 Gasoline Service Stations and Vehicle or Equipment Repair Operations

All gasoline service stations and vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

- A. All service and repair activities shall be conducted within completely enclosed buildings where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- B. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores more than four (4) vehicles per interior service stall, it shall comply with the junk regulation set forth in this Ordinance.
- C. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- D. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening and under cover to prevent breeding of mosquitoes. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a month of normal operation.
- E. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- F. No vehicles shall be stored in any required setback areas.
- G. Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of two (2) acres, and all areas for fueling and servicing shall be not less than one hundred (100) feet from any residential district.
- H. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

### 856.3 Vehicle or Equipment Sales Operations

All vehicle or equipment display and sales operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific requirements:

- A. All principal and accessory buildings and structures shall be in accord with the yard setback, building height and lot coverage requirements of the district.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the district.
- C. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §856.2 above.
- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening and under cover to prevent breeding of mosquitoes. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a month of normal operation.
- G. No vehicles shall be stored in any required setback areas.

### 856.4 Race Tracks

- A. All race tracks for motor driven vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies, water craft, and the like, shall be located not less than one (1) mile from any Residential District.
- B. The track/course shall not be less than five (500) feet from any property line or public road right-of-way.
- C. No race shall be conducted between the hours of 9:00 P.M. and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.
- D. All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.

- G. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- H. No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the District.
- I. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

#### **857 Reserved**

#### **858 Wind Farms**

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind farms which shall be permitted as conditional uses only in the districts as provided by the Schedule of Uses.

##### 858.1 Purposes

- A. To accommodate the need for wind farms while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

##### 858.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every wind farm and windmill installed at any location in the Township.
- B. Associated Use - All other uses ancillary to the wind farm (including a business office, maintenance depot,, etc., greater than 1,000 sq. ft.) are prohibited from the wind farm, unless otherwise permitted in the zoning district in which the wind farm is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.
- C. Wind Farm as a Second Principal Use - A wind farm shall be permitted on a property with an existing use subject to the following land development standards:
  - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm and windmills shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
  - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
  - . The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

858.3 Standards

- A. Wind Farm Height - The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily . No windmill that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
1. Separate Parcel - If the parcel on which the wind farm is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
  2. Lease, License or Easement - If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, 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 windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
  3. Principal Structures - No windmill shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- C. Wind Farm Support Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Wind farm and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.
- D. Fencing - A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- E. Landscaping - Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- F. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the Wind farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind farm.
- G. Access; Required Parking - Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is

not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- H. Color and Lighting; FAA and PA DOT Notice - Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- I. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind farm developer.
- J. Historic Structures - A wind farm shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- K. Discontinued Use - Should any wind farm or windmill cease to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the windmill.
- L. Site Plan - A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.