

# **DONEGAL TOWNSHIP**

**DRAFT ZONING ORDINANCE**

**4/13/16**

**ARTICLE I: Authority and Purposes**

§101: Title

- A. This Ordinance shall also be known as the “Official Zoning Ordinance of Donegal Township,” and the Zoning Map is designated as the “Official Zoning Map of Donegal Township.”

§102: Authority

- A. This Ordinance is authorized under the grant powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as amended hereinafter.

§103: General Purpose

- A. This Ordinance is made with consideration for Donegal Township’s character, its various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:
  - 1. To promote, protect and facilities one (1) or more of the following: public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, providing adequate light and air, police protection, vehicle parking and loading berth/space, transportation, water, sewerage, schools, public grounds, and other public requirements.
  - 2. To provide individual and mixtures of uses, buildings and/or structures compatible with the character of development or the Permitted Uses within the specified Zoning Districts.
  - 3. To maintain the stability of agricultural, residential, commercial, institutional, industrial, and ecological environments/open space areas within a framework of development for Donegal Township.
  - 4. To protect private-sector and public-sector investments being made to the land area and building stock.

§104: Interpretation

- A. In applying this Ordinance, it serves as the minimum requirements for promotion of health, safety, morals, and general welfare of Donegal Township. If this Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land than contained in applicable deeds or agreements, the requirements of this Ordinance supersede.

§105: Application

- A. The provisions of this Ordinance shall apply uniformly to all buildings, structures, uses, signs, and land areas. Temporary Uses are regulated by §903 regarding applicable Township permitting requirements found on file at the Township Administrative Office.

§106: Abrogation

- A. It is not intended that this Ordinance replaces or interferes with any existing ordinance or with any rule Donegal Township adopted or issues. If this Ordinance imposes greater restrictions upon the user of buildings or land, then the provisions of this ordinance will supersede.

§107: Repealer

- A. Repeals and Continuation of Prior Regulations. Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Township, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Township Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All zoning ordinances or parts of zoning ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

§108: Severability

- A. If any content of this Ordinance is declared invalid for any reason, such decision will not affect the remaining portions of this Ordinance, which remains in full force and effect, and for this purpose the provisions of this Ordinance are declared to be severable.

## **ARTICLE II: Form & Function**

### §201. Ordinance Overview.

- A. The Zoning Ordinance of Donegal Township presents a straightforward and simple set of regulatory provisions related to retaining cohesive form and function of lot development within Donegal Township.
- B. Requirements for proposed development within Donegal Township are summarized on the Article II maps and tables. These maps and tables include key development relationships pertaining to lots in Donegal Township. The other Articles of this Ordinance provide additional provisions related to zoning and land use.
- C. A series of application process diagrams located on file at the Donegal Township Administrative Office outline the general parameters and steps associated with various types of development submissions.

### §202. Zoning Map.

- A. The Zoning Map of Donegal Township which is referred to as the Official Zoning Map, together with all explanations on it, is adopted by reference and declared to be a part of this Ordinance.
- B. The Zoning Map is composed of a series of zoning districts (Zones). The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, railroads or such lines extended.
- C. The water surface and the land under the water surface of all waterways not otherwise zoned are placed in the same zoning district as the land which it abuts as shown on the Zoning Map. Where the Zones shown on the Zoning Map are different on opposite sides of the water area, then the Zone on each side extends to the center line or midpoint of the water area.
- D. Where Zone boundaries are not clearly fixed by the above methods, they will be determined by the use of the scale of the Zoning Map.
- E. Where a street or alley shown on the Zoning Map is officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way is included within the zoning district of adjoining lot(s) on either side of the vacated street or alley. Where the street or alley was a district boundary between two (2) or more different zoning districts, the district boundary is the former centerline of the vacated street or alley.
- F. When there is disagreement on the location of Zone boundaries, the Zoning Hearing Board will determine the boundary as the Board has the power and duty of interpreting the intent of the Zoning Map in accordance with the spirit and purpose of the Zoning Ordinance of Donegal Township.
- G. Records of all Zoning Map amendments are located on file at Donegal Township's Administrative Office.

- H. The Zoning Map of Donegal Township is identified by the signature of the President of the Township Board of Supervisors, attested by the Township Secretary/Manager and bears the seal of Donegal Township under the following words: “This is to certify that this is the Zoning Map referred to in Ordinance Number of Donegal Township, Washington County, Pennsylvania,” together with the date of adoption of this Ordinance.
- I. No changes of any nature are made in the Official Zoning Map or except in conformity with the procedures set forth in this Ordinance. Any unauthorized change will be considered a violation of this Ordinance.
- J. The Official Zoning Map, located in Donegal Township’s Administrative Office, is the final authority as to the current zoning status in Donegal Township.
- K. Any amendments, legally adopted to change any zoning district boundaries of the Zoning Map, are to be noted on the map by Ordinance number and date of adoption of the amendment.
- L. Township Board of Supervisors may by Ordinance update the parcel lines as available from Washington County on the Zoning Map, noting the applicable date and source on the map.

§203. Zoning District Purposes and Uses.

- A. Residential (R). The Residential district is generally characterized by concentrations and/or corridors of housing along with compatible ancillary uses and resource conservation.
- B. Village (V). The purpose of the Village District is intended to preserve the established character of the Township’s concentrated areas of development. This district strives to be walkable and have a mix of residential and non-residential land uses.
- C. Non-Residential (NR). The Non-residential district is intended to permit a broad range of commercial and industrial development serving the citizens of Donegal Township and the greater Washington County area.
- D. Agriculture 1 (A1). The Agricultural 1 district is characterized by large lots, primarily dedicated to rural residential living, conservation of natural resources, nature-based recreation and/or agriculturally oriented activities.
- E. Agriculture 2 (A2). The Agricultural 2 district is res for agricultural production and processing as well as natural resource excavation and oil and gas related activities.
- F. Table 1 identifies which principal land uses are permissible in each of the Township’s Zoning Districts. After locating the Zoning District in which the lot is located, use the listing of uses described in Table 1 to determine what uses are permissible by right or permissible by Conditional Use approval.

**Table 1: Principal Land Uses**

P = Permitted by Right  
 C= Permitted by Conditional Use

Principal Land Uses	Residential	Village	Non-Residential	Agricultural 1	Agricultural 2
1 Agricultural Production	p			p	p
2 Agricultural Processing				p	p
3 Automobile Services (Including Sales, Service, and Fuel Stations)			c		
4 All Other Uses			c		
5 Adult Oriented Establishment			c		
6 Bed and Breakfast	c	c			
7 Care Facility - Senior/Care Living	c	c			
8 Cemetery/Mausoleum	c		p	p	
9 Certified Modular Large Volume Tanks					c
10 Certified Temporary Water Facility, Small					p
11 Certified Water Storage Facility, Large					c
12 Certified Water Storage Facility, Medium					c
13 Certified Water Storage Facility, Small					c
14 Commercial Recreation			c	c	
15 Communication Tower			c		c
16 Compressor Station and Processing Plants					c
17 Convenience Store			p		
18 Cultural or Civic Institution (Including Indoor Recreation Facility/Library/School/Academy)		p			
19 Day Care Center (Youth/Adult)	c	c			
20 Day Care Home	c				
21 Emergency Services	p		p		
22 Essential Services (Including Public Utility Facility and Communication Antennae)	p	p	p	p	p
23 Financial Institution		p	p		
24 Food Services (Including Restaurant, Bar, Tavern, Pub)		p	p		
25 Forestry				p	p
26 Freshwater Impoundments					c
27 Funeral Home		c	c		
28 Government Operations (Including Post Offices and Municipal Buildings)		p	p		

**Table 1: Principal Land Uses Continued.**

P = Permitted by Right

C= Permitted by Conditional Use

Principal Land Uses	Residential	Village	Non-Residential	Agricultural 1	Agricultural 2
29 Group Facility (Youth/Adult)/ Group Home			c		
30 Home Occupation, Low Impact	c	c			
31 Indoor Recreation Facility			p	p	
32 Industry - Craft			p		
33 Industry - General			p		
34 Industry - Outdoor (Including Maintenance/Storage/Service Yard and Lumber Yard)			p		c
35 Mixed Use (Non-residential at street level with residential/other non-residential above)		p			
36 Mobile Home Park	c				
37 Multi-Family Dwelling - Duplex	p				
38 Multi-Family Dwelling - Townhouse	p	c			
39 Multi-Family Dwelling - Apartment Building	c	p			
40 Office (Including Business, Professional, Medical and Veterinary)		p	p		
41 Oil and Gas Development					c
42 Oil and Gas Pipelines					p
43 Oil and Gas Well	c	c	c	c	c
44 Public Park, Public Open Space and/or Non-Commercial Recreation Facility	p	p	p	p	p
45 Parking Lot, Private		c	c		
46 Personal Services (Spa/Salon, barber, etc.)		p			
47 Pharmacy			p		
48 Place of Assembly/Worship	c	c			
49 Public Utility Installation/Substation					c
50 Re-Entry Drilling				c	p
51 Re-Entry Related Operations				c	c
52 Retail, Large Scale			c		
53 Retail, Small Scale		c	p		
54 Shooting Range, Outdoor				c	
55 Single Family Dwelling	p	p		p	
56 Social Club/Hall		c	p		
57 Storage Depot(s) and Truck Staging Area(s)					c
58 Studio		p	p		
59 Traffic Control Sites					p
60 Warehouse			p		
61 Wastewater Impoundments					c
62 Wholesale			p	c	

Table 2: Accessory Uses.

A= Permitted as an Accessory Use

	Residentia	Village	Non-Residential	Agricultural 1	Agricultural 2
Accessory Dwelling Units	A	A		A	A
Business/Professional Office		A	A	A	A
Car Wash			A		
Carport	A	A	A	A	A
Communications Antennae	A	A	A	A	A
Day Care (Youth/Adult)	A	A			
Electronic and Satellite Dish Antenna	A	A	A	A	A
Essential Services	A	A	A	A	A
Home-based Business, No Impact	A	A	A	A	A
Parking Area, Public Off-Street	A	A	A	A	A
Parking Area, Private Off-Street	A	A	A	A	A
Parking Space(s), Private Off-Street	A	A	A	A	A
Retail Business (<2,000sf)			A	A	
Solar Collectors and Solar-related Equipment	A	A	A	A	A
Swimming Pools	A			A	
Wind Energy Conversion Systems	A	A	A	A	A



§204. Dimensional Criteria.

				Residential	Village	Non-Residential	Agriculture 1	Agriculture 2
Minimum Lot Width (FT)				125	25	100	400	400
Minimum Lot Depth				150	75	150	200	200
Minimum Lot Area				1 ac	N/A	N/A	5 ac	5 ac
SETBACKS (FT)	PRINCIPAL STRUCTURE	FRONT*	MIN	30	0	25	50	50
			MAX	N/A	10	N/A	N/A	N/A
		REAR SIDE	MIN	20	5	15	50	50
			MIN	30	5	35	50	50
	PARKING (Minimum)	FRONT*		10	20	10	50	50
		SIDE		5	5	5	50	50
		REAR		10	5	10	50	50
MAX HEIGHT (FT)	PRINCIPAL STRUCTURE			35	35	35	35	35
	ACCESSORY STRUCTURE			20	20	20	20	20

Note: \* measured from edge of right-of-way

### **ARTICLE III: Conditional Uses**

#### **§301. General Criteria for Evaluation of Conditional Uses**

- A. In evaluating and determining a decision on an application for Conditional Use, the Township Board of Supervisors applies the procedures associated with Conditional Uses as set forth in the Pennsylvania Municipalities Planning Code.
- B. The following criteria apply to all Conditional Uses:
  - 1. Building and parking setbacks must be consistent with existing building and parking setbacks of adjoining and neighboring lots on the block in which the development is located. The location and arrangement of parking on a lot will be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized. Donegal reserves the right to increase bufferyard requirements, require parking to be located behind the minimum front facade of the primary building or to designate other measures on the lot in order to maximize safety and/or minimize impacts to surrounding uses.
  - 2. A landowner and /or developer must provide a plan for photometrics of the lot. Illumination, when measured at a lot line, will be zero (0) footcandles.
  - 3. Unless the landowner and/or developer can present a development alternative which demonstrates it is feasible that surface parking can only exist within a lot's yard which is adjacent to a street that serves as a main street or to another corner lot, no surface parking will front on a street that serves as a main street or on a corner lot of said street.
  - 4. To protect and/or safeguard the character of existing development in Donegal Township, for cases where there is the re-use of a residential structure or a lot on which a residential structure exists, the landowner and/or developer will maintain the characteristics, inclusive of but not limited to massing, heights and exterior historical features, of said residential structure with surrounding residential structures.
  - 5. Hours of operation will be scheduled to minimize negative impacts on the surrounding neighborhood.
  - 6. A traffic impact study acceptable to the Township Engineer, may be required to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- C. The consideration of a Conditional Use by upon review of the Township Board of Supervisors recommendations must be predicated on the Applicant's submission of written application containing all of the information required under this section, together with a site plan meeting the requirements of this Ordinance and any other Township Ordinance as applicable.

- D. A written submission must demonstrate that development for which the Conditional Use is sought:
  - 1. Will not endanger the public health and safety and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as prohibited by Article V of this Ordinance.
  - 2. Meets all other requirements of this Ordinance in the Zoning District where the use is proposed.
  - 4. Is an appropriate use on the proposed lot as a Conditional Use.
  - 5. If defined as part of any Conditional Use and will be completed with the identified timeframe. Also, the Township Board of Supervisors may extend time for any completion date if the Applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified timeframe or extended completion period, the Conditional Use is not completed, and if no extension has been granted, the Conditional Use will become null and void.
  - 6. Upon Township Board of Supervisors designating a Conditional Use, any prior Conditional Use for the same tract of land becomes null and void.
  - 7. Information including Applicant address, location of site, listing of landowners and/or developers who will receive notice of the zoning application, Zoning District and other relevant information as defined by Donegal Township must be submitted.
- E. The Site Plan will show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed on the lot must also be submitted.
- F. Conditional Uses will be subject to periodic inspections to insure compliance with the conditions of approval.
- G. The Township Board of Supervisors may attach additional conditions in order to protect the public's health, safety, and welfare. These conditions may include, but are not limited to, increased screening.

§302. Specific Criteria for Conditional Uses.

In addition to the general standards and criteria for conditional uses listed above, an application for any of the following uses which are listed in any Zoning District as a conditional use shall comply with the following applicable standards and criteria.

**RESIDENTIAL LAND USES**

*CARE FACILITY – SENIOR/CARE LIVING*

- A. The total site area shall be a minimum of forty thousand (40,000) square feet.

- B. A useable open space area of one hundred (100) square feet per bed shall be provided exclusive of the front yard setback, buffer strip and parking area.
- C. The lot shall be served by frontage on a public street and serviced by sanitary sewers and public water.
- D. Sidewalk gradients shall be constructed at five (5) percent maximum.
- E. The facility shall be accessible for fire-fighting purpose and evacuation at all levels and on all sides, otherwise the facility shall not be more than two (2) stories.
- F. Safe vehicular access and areas for discharging and picking up guests shall be provided.
- G. The location, orientation and lot circulation shall be coordinated with the Township in order to minimize the disturbance of surrounding land uses.
- H. If the parking area for a life care community is adjacent to a single-family residential lot or development, any parking areas that demand greater than ten (10) automobiles, the following shall apply:
  - i. In addition to that setback which is required by the development, a ten (10) foot setback with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
    - a. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
    - b. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped with plants that provide four seasons of interest not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent lots.
- I. The facility shall meet all state requirements for life care or nursing/convalescent care facilities in addition to those defined in this provision.

*MOBILE HOME PARK*

- A. Reserved (for insertion of Ordinance No. \_\_\_\_\_)

*MULTI-FAMILY DWELLING – TOWNHOUSE*

- A. Parking shall be provided on the same lot upon which the dwelling is located.
- B. Parking shall not be oriented in the front lawn of the lot.
- C. In order to ensure that any proposed development does not create adverse conditions to the public

right-of-way, a traffic impact study, in accordance with the Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

## **NON-RESIDENTIAL LAND USES**

### *AUTOMOBILE SERVICES (INCLUDING SALES, SERVICES, AND FUEL STATIONS)*

- A. All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- B. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- C. All vehicles awaiting repair shall be stored on site in approved parking spaces and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.
- D. Canopies over gasoline pumps shall be subject to the requirements of Article VI of this Ordinance.
- E. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street.
- F. All fuel, oil, or similar substances shall be stored at least twenty-five (25) feet from any lot line.
- G. The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home;
- H. All lighting shall be shielded and reflected away from adjacent lots, streets, and roadways.
- I. Bufferyards as defined by this ordinance shall be provided along all lines adjoining an existing residential use or Residential Zoning District.

### *ALL OTHER USES*

- A. A non-residential use not expressly as a Permitted Use, Conditional Use, or Special Exception may be permitted as a Conditional Use upon the Applicant's demonstration that the proposed use:
  - 1. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
    - a) The number of employees.
    - b) The floor area of the building or gross area of the lot devoted to the proposed use.
    - c) The type of products, materials, equipment and/or processes involved in the proposed use.
    - d) The magnitude of walk-in trade.

- e) The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.

*ADULT ORIENTED ESTABLISHMENTS*

- A. The establishment shall not be located within one thousand (1,000) feet of any lot that is zoned residential.
- B. The establishment shall not be located within five hundred (500) feet of the lot boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, place of worship or establishment which is licensed to serve and/or sell alcoholic beverages.
- C. The establishment shall not be located within five hundred (500) feet of any other existing or proposed adult-oriented establishment.
- D. Persons or land owners and/or developers who intend to operate an adult-oriented establishment shall obtain from the Township a license to operate such an enterprise and pay to the Township an investigation fee as may be set from time to time by resolution of the Township Board of Supervisors. In addition, such persons or owners shall supply to the Township detailed information regarding the ownership and financing of the proposed business as required on the licensing application. Applications for licensing can be obtained at the Township Planning Department and shall be filed with the Township Zoning Officer.
- E. The establishment shall be initially licensed when it has met the requirements set forth in this Ordinance and Township Ordinance No. \_\_\_\_\_. The license shall be valid through December 31st of the year in which the license is initially issued. For each year thereafter that the business intends to continue, the landowner and/or developer or operator shall seek an annual renewal of the license. The application for renewal shall be submitted to the Township Zoning Officer by November 1st of the year proceeding the year for which the license renewal is sought. The lack of a license or failure to renew such license in a timely fashion shall be grounds for the Township to deny or revoke an occupancy permit for an adult oriented establishment.

*BED AND BREAKFAST*

- A. If permits are obtained, all regulations of the Pennsylvania Liquor Control Board apply.
- B. Guests shall be limited to a maximum length of stay of thirty (30) consecutive days in any sixty- (60) day period.
- C. No more than sixteen (16) guest sleeping rooms shall be available and/or utilized at any one time for the transient guests. Each guestroom may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guest. In no instance shall the total number of guests in the Bed and Breakfast exceed twenty-four (24) people.
- D. No part of the facility shall be rented for social or business functions.

- E. There shall only be one (1) lodging house located on the lot.
- F. The lot shall meet all area and bulk regulations of the Zoning District in which it is located.

*CEMETERY/MAUSOLEUM*

- A. The minimum size of a cemetery shall be ten (10) acres.
- B. The developer shall provide a statement of guaranteed perpetual maintenance before approval is given.
- C. No burial sites shall be within fifty (50) feet of any lot line or one hundred (100) feet of a street right-of-way.
- D. Ingress and egress drives shall be located to take maximum advantage of sight distance for motorists.

*CERTIFIED WATER STORAGE FACILITIES (INCLUDING MODULAR LARGE VOLUME TANKS)*

In addition to the applicable provisions contained in the Township Zoning Code, Certified Water Storage Facilities shall be further subject to the following:

- A. Minimum Lot Area. The minimum lot size shall be:
  - 1. 2 acres for Small or Medium Certified Water Storage
  - 2. 5 acres for Large or MLVT Certified Water Storage
- B. Design Criteria.
  - 1. The Applicant for a Certified Water Storage Facility (Small, Medium, Large or MLVT) shall provide:
    - a. Proof of certification by the relevant nationally-recognized laboratory or organization; and
    - b. A copy of any required Re-use Tank Permit, WMGR 123-Solid Waste, from the DEP prior to the operation of the Certified Water Storage Facility.
  - 2. The Applicant for a Certified MLVT shall provide:
    - a. Certification that the proposed tanks comply with the design standards set forth in the American Water Works Association (AWWA) B-1039 design manual.
    - b. All MLVTs must meet the containment requirements (110%) of Act 13 and a geo-technical report must be obtained certifying that:
      - i. The site can withstand 3000 square feet of pressure
      - ii. Core Test results

- iii. Tanks to be placed on cut, not on fill or compressible clay lenses, as certified in the geotechnical report
  - c. A copy of any required Re-use Tank Permit, WMGR 123-Solid Waste, from the DEP prior to the operation of the Certified MLVT.
3. Residual Waste Use and Storage:
- a. Any Certified Water Storage Facility (Small, Medium, Large or MLVT) that shall be used to hold Residual Waste must meet AWWA D103-9 tank standards.
- C. Site Plan. A survey/site plan sealed by a licensed Professional Engineer or Surveyor must be provided indicating water storage location, other buildings, access roads, setbacks from adjoining property lines and structures.
- D. Liners. All liners must be welded and tested in accordance with the applicable ASTM international Standards. Any repairs to liners must be made using acceptable practices and applicable standards.
- E. Filling. The Operator or its contractor must supervise initial filling of all water storage operations and inspect for leaks during filling. If leaks are observed, filling must cease, the leaks must be repaired, and the integrity of the tank must be evaluated prior to continuing to fill. Contractors can observe all future fillings, provided they are granted the authority to stop work if unsafe or upset conditions are observed.
- F. Setbacks. Certified Water Storage (Large and MLVT) shall be twenty (20) feet from a wellhead, fired vessel, heater, compressor with a rating of 200 horsepower or greater; a separator, well test unit or other non-fired equipment.
- G. Time frame. The time period in which the Certified Water Storage (Small, Medium, Large or MLVT) will be constructed and destructed along with use in between the start/finish dates.
- H. Notice. At least seven (7) days prior to a new oil and gas well site being serviced by a standalone Certified Water Storage (Small, Medium, Large or MLVT), Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.
- I. Surface. The surface of the Certified Water Storage (Small, Medium, Large or MLVT) shall be constructed and designed in a manner that would reasonably minimize water runoff in the event of a major leak.
- J. Signage, Tank Identification. Signs must be posted at the site of any Certified Water Storage (Small, Medium, Large or MLVT) to indicate the contents of the water storage facilities.
- K. Spill Containment.
- 1. A spill containment plan shall be provided.
  - 2. Containment shall be provided for indoor facilities.



3. If a spill, fire, or other violation of any Federal, State or Local Law occurs at the drill site or in the Township by Operator or its Subcontractors, Operator shall notify the Township immediately, in all circumstances, no later than 24 hours after the incident occurred or, if the incident is ongoing, no later than 24 hours after it began.

- L. Reclamation procedure. To the best of the Operator/Applicants knowledge, the Operator or Applicant shall provide the time frame for site restoration.

#### *COMMERCIAL RECREATION*

- A. All Commercial Recreation establishments must be a minimum distance of five hundred (500) feet from any Agricultural or Non-Agricultural Processing Facility, active Gas and Oil Wells, and Fresh Water and Waste Water Impoundments.
- B. All equipment must be contained inside the establishment.

#### *COMMUNICATION TOWER*

- A. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower- Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
- B. Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The Applicant shall provide proof of the notification to the Township.
- C. Conditional use authorization required.
  1. All Towers.
    - a. Tower-Based WCFs are permitted in certain zoning districts by conditional use and only in such location within such districts and at a minimal height necessary to satisfy their function in the Applicant's wireless communications system. An Applicant shall demonstrate the necessity of the proposed height. The Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.
      - i. Prior to Board of Supervisor approval of a conditional use authorizing the construction and installation of Tower-Based WCF in a zoning district where the same is a permitted conditional use, it shall be incumbent upon the Applicant for such conditional use approval to prove to the reasonable satisfaction of The Board of Supervisors that the Applicant cannot adequately extend or infill its communications system by the use of Antennae and/or Non-Tower WCFs.
      - ii. The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and

equipment, as well as a description of the type and manufacturer of the proposed equipment.

- iii. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
  - iv. Where the Tower-Based WCF is located on a property with another principal use, the Applicant shall present documentation to The Board of Supervisors that the owner of the property has granted an easement for the proposed WTF and that vehicular access will be provided to the facility.
  - v. The conditional use application shall demonstrate that the proposed facility complies with all other applicable regulations in this subsection.
- b. Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
- c. Visual appearance. Tower-Based WCFs shall employ Stealth Technology. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
- i. Township Board of Supervisors may require that wireless communications equipment buildings which house electrical transmitter equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
  - ii. In making this determination, The Board of Supervisors shall consider whether its decision will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.
- d. Co-location and Siting. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the Antenna and Related Equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or on Township property. The Board of Supervisors may deny an application to construct a new Tower-Based WCF if the Applicant has not made a good faith effort to mount the Antenna(e) on an existing structure as set forth in this section. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ( $\frac{1}{4}$ ) of a mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
- i. The proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

- ii. The proposed Antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
  - iii. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - iv. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- e. Permit required for modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain the applicable permit from the Township zoning office, in accordance with the Township's permitting practices. Non-routine modifications shall be prohibited without a permit.
- f. Gap in Coverage. An Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCFs.
- g. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to collocate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.
- h. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-E, as amended).
- i. Height. Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF Applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred fifty (150) feet, as measured vertically from the ground level, including any base pad, to the highest point on the structure, including Antennae and subsequent alterations.
- j. Related Equipment building. Any building or other structure housing Related Equipment shall comply with the required yard and height requirement of the applicable zoning district for an accessory structure.
- k. Public safety communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- l. Maintenance. The following maintenance requirements shall apply:
- i. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - ii. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

- iii. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- m. Radio frequency emissions. No Tower-Based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- n. Historic buildings or districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.
- o. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- p. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Manager.
- q. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- r. Aviation safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- s. Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- t. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
- u. Non-conforming uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance. Co- location on existing non-conforming WCFs is permitted.
- v. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs

shall be removed as follows:

- i. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - ii. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
  - iii. Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.
- w. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.
- x. FCC license. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- y. Reservation of rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Tower-Based WCF for numerous factors, including but are not limited to, visual impact, design, and safety standards.
- z. Insurance. Each Person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Township with 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 each Tower-Based WCF.
- aa. Indemnification. Each Person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for Personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Township in which it is claimed that Personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- bb. Engineer signature. All plans and drawings for a tower and Antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- cc. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the Applicant shall provide to the Township financial security sufficient to

guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.

2. Tower-Based Facilities Outside the Rights-of-Way. The following additional regulations shall apply to Tower-Based Wireless Communications Facilities located outside the rights-of-way:

a. Development Regulations.

i. Location. No Tower-Based WCF shall be located in an area in which utilities are underground, or within seventy-five (75) feet of such an area, except as permitted by this Ordinance. Such Tower-Based WCFs may be located in the following the I - Industrial District, subject to the following restrictions:

1.) The WCF may not be sited in any public parks or on municipally-owned property.

2.) The WCF may not be sited along the river area or along any scenic trails or roadways in the Township.

ii. Sole Use on a Lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot is at least 6,000 feet. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed WCF structure height.

b. Design regulations.

i. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. In addition to the other design requirements enumerated this Section, the application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.

ii. To the extent permissible by law, any height extensions to an existing Tower- Based WCF shall require prior approval of the Township.

iii. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.

iv. Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

c. Surrounding Environs.

i. The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

ii. Evergreen bushes, a minimum of five feet in height, shall be planted immediately adjacent to the fencing at an interval not greater than three feet on center, except adjacent to that portion of the fence at which is located an access gate.

d. Fence/Screen.

- i. A security fence, having a minimum height of ten (10) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.
    - ii. Landscaping. Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of The Board of Supervisors, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible.
  - e. Accessory Equipment.
    - i. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described in this Section.
    - ii. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback and building requirements of the underlying zoning district.
  - f. Access road. An access road of at least twenty (20) feet in width, turnaround space and parking shall be provided to ensure adequate emergency and service access to a Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation; surfacing shall be bituminous, brick, concrete or permeable paving material (not including gravel surface, aggregate or the like). Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
  - g. Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces, or one space per employee, whichever is greater.
  - h. Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- 3. Tower-Based Facilities in the Rights-of-Way. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the rights-of-way:
  - a. Prohibited in Underground Utility Areas.
  - b. Tower-Based WCFs shall not be located in the front facade zone of any structure.
  - c. Tower-Based WCFs forty (40) feet or shorter in height shall be permitted along the arterial and collector roads where public utilities are located above ground.
  - d. Tower-Based WCFs shall not be sited along any internal residential roads, regardless of the underlying zoning district.
  - e. Tower-Based WCFs in the ROW shall not be sited within fifty (50) feet of an area in which

public utilities are underground.

- f. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- g. Equipment Location. Tower-Based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - i. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
  - ii. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - iii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - iv. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - v. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.
- h. Design Regulations.
  - i. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. In addition to the design requirements enumerated in this Section, the application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
  - ii. Tower-Based WCFs in the public ROW shall not exceed forty (40) feet in height.
  - iii. To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
  - iv. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
- i. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following



circumstances:

- i. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
  - ii. The operations of the Township or other governmental entity in the right-of-way;
  - iii. Vacation of a street or road or the release of a utility easement; or
  - iv. An emergency as determined by the Township.
- j. Reimbursement for ROW Use. In addition to permit fees as described in this Ordinance, every Tower-Based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

#### *COMPRESSOR STATIONS & PROCESSING PLANTS*

In addition to the applicable provisions contained in the Township Zoning Code, Compressor Stations and/or Processing Plants shall be further subject to the following:

- A. Written Summary. Applicant must include a written summary of how the compressor station or processing plant will operate.
1. Information on the method of transportation for the processed gas/liquids to market (pipelines, township roads, etc.)
  2. Overall site development time frame and calendar.
- B. Minimum Lot Size.
1. The minimum lot size for a processing plant shall be 100 acres. Contiguous properties located in (either A-1 or I-1) can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other.
  2. The minimum lot size for a compressor station shall be 20 acres.
- C. Setbacks.
1. 500 feet from an occupied structure, unless waived by the property owner.
  2. Protected Structures. 1,000 feet from the edge of the facility's developed area to the nearest existing protected structure.

3. A setback reduction variance may be authorized by the Township Board of Supervisors as part of the conditional use approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance and includes the necessary waivers from the impacted property owner(s)
- D. Screening. Subject to the applicable standards of the Zoning District the proposed compressor station or processing plant is located in.
- E. Design Standards.
1. Compressors and other power-driven equipment shall utilize electric motors designed and installed in accordance with the requirements of NFPA 70. In the event there is insufficient voltage available so as to power said equipment, or there exists reasonable economic and/or commercial reasons, internal-combustion engines may be used, subject to the same being located in an entirely enclosed structure that otherwise comports with zoning regulation.
  2. Compressor stations shall be limited to five (5) electric power compressors, located within a completely enclosed building, unless waived by the Township Board of Supervisors. This limitation shall not apply to Processing Plants.
  3. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area to the extent possible.
  4. No equipment or surplus materials, including the placement of permanent or moveable storage containers or other portable equipment, shall be stored on the facility. This includes the removal of idle equipment unnecessary for the operation of such facility.
- F. Building Approval. Building plans must be approved by the designated Code Inspection Department of the Township and must meet the minimum safety standards as set forth in the International Building Code (“IBC”), Pennsylvania Uniform Construction Code (“UCC”) or applicable Code adopted by the Township. The Code Enforcement Officer and/or Township Board of Supervisors shall have the authority to grant waivers to the requirements if Applicant is able to demonstrate the design and safety measures meet or exceed those of the IBC, UCC, etc.
- G. Environmental Study. A Base Line environmental study shall be conducted by an approved person or firm for air and noise for quality and emissions and approved by the DEP.
1. Noise monitoring sensors shall be installed at the property lines of a protected structure located within 2,000 feet of a Compressor Station or Processing Plant to periodically measure noise levels and sound levels at a protected structure.
  2. Operator/Applicant shall provide Township with a copy of the DEP permit.
- H. Spill Containment.
1. A spill containment plan shall be provided and designed by a Registered Design Professional of the Commonwealth of Pennsylvania and approved by the DEP.

- I. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
- J. Expansion. In the event the facility or project is expanded in size, scope, use, etc. beyond what was included in the initial approval, the Applicant must submit a written request to the Township. The decision to require a subsequent Conditional Use Hearing will be in the sole discretion of the Board of Supervisors and will be announced at a public meeting. Although the Township may not require hearings on the subsequent Conditional Use application, and the appropriate information concerning the expansion operations must be submitted. This shall include, but not be limited to additional identification of disturbed areas beyond the scope initially presented, additional facilities being used on the site that were not included in the initial application and/or material changes such as different truck routes, access roads, sound impacts, additional water containment devices, tanks, etc.
- K. Supplemental regulations. The facility must meet all of the supplemental regulations as per Article V of this Ordinance. Any and all uses categorized as conditional uses shall, in addition to the specific conditions set forth herein and the general standards contained in the applicable zoning district(s); may be further subject to additional applicable conditions and safeguards as deemed necessary and appropriate by the Township.

*DAY CARE CENTER (YOUTH/ADULT)*

- A. Exterior recreation space shall be located on the lot in an effort to minimize physical conflict between said use and surrounding land uses.
- B. No accommodations for overnight facilities of patrons shall be provided on the lot.
- C. Said use shall possess licensure as issued by the Commonwealth of Pennsylvania to operate as a day care center.

*DAY CARE HOME*

- A. Exterior open space shall be provided, being usable and accessible only for the children at a minimum ratio of sixty-five (65) square feet per child. Interior space shall be provided as per the regulations of the Pennsylvania Department of Welfare. In addition, other lot and area requirements within the zoning district in which the day care center is proposed shall apply.
- B. Off-street parking spaces required for day care centers shall be one (1) for each three hundred (300) square feet of gross floor area with a minimum of four (4) spaces.
- C. Depending on traffic and/or adjoining uses of the premises, a fence with approved height and strength by the Township may be required along the lot's perimeter for the protection of those using the day care home.

- D. Safe vehicular access and areas for discharging and picking up children shall be provided.

*FRESHWATER IMPOUNDMENTS*

- A. The minimum lot area shall apply to fresh water impoundment that is not located on an oil and gas drilling well site.
- B. Water impoundments, designed to hold fresh water, shall be fenced in accordance with Township standards to prohibit access by persons or animals.
- C. Fresh water impoundments shall be located at least five hundred (500) feet from any public street right-of-way or property line. To ensure health, safety and welfare of Township residents and businesses, the Township reserves the right to increase the minimum necessary set back distance from a property line based upon existing and/or proposed site conditions and/or in context of surrounding land use activity.
- D. Lighting on the site shall be directed downwards and shielded so as to avoid glare on public roads and adjacent properties. Lighting shall not exceed 0.2 footcandles when measured ten (10) feet from any property line. To the extent permitted by safety considerations, exterior lighting shall be turned off between dusk and dawn, except during maintenance activities on the site.
- E. This site shall be sound-proofed as necessary to meet the maximum allowable noise levels permissible as specified in this Ordinance.
- F. Water impoundments shall be constructed in compliance with all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP).
- G. The Operator shall obtain permission from the Township for any surface or buried water lines that cross Township streets.
- I. The Township reserves the right to impose any and all reasonable safeguards or conditions necessary to implement the intent of this chapter and shall review the particular facts and circumstances of each proposed conditional use application in terms of the applicable use standards.

*FUNERAL HOME*

- A. Public sewer and water facilities shall be utilized.
- B. Sufficient off-street parking shall be provided to prevent traffic backups onto adjoining roads.
- C. Vehicular access to the site shall be from a main and side street, where possible.

*GROUP FACILITY (YOUTH/ADULT)*

- A. Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Township Board of Supervisors

describing the proposed use of the dwelling or building. Such statement shall detail the proposed use of the dwelling or building. Such statement shall detail the proposed number of the anticipated occupants. The statement shall identify how said use satisfies demonstrative need and shall be conducted in a responsible manner without detriment to surrounding lots and neighborhood.

- B. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- C. Lot shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than seven thousand five hundred (7,500) square feet plus five hundred (500) square feet for even resident over ten (10).
- D. A group care facility shall not be located within one thousand (1,000) feet of another family care and/or group care facility. Said distance shall be measured from lot line of one facility to the near lot line of the other facility.
- E. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust, and other disturbances.
- F. For a use proposed to occupy and existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

*HOME OCCUPATION, LOW IMPACT*

- A. The home occupation shall be carried on wholly within the principal or accessory structures.
- B. No more than fifteen (15) percent of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.
- C. Articles not produced on the premises shall not be sold on the premises.
- D. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.
- E. Exterior displays or signs other than those permitted in this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- F. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Ordinance.
- G. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.

- H. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.
- I. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- J. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- K. The use shall not cause a negative impact on lot values in the immediate neighborhood.
- L. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.
- M. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as Permitted Uses or uses by Special Exception, including, but not limited to:
  - 1. spa/salons containing more than two (2) chairs
  - 2. medical offices or care facilities
  - 3. veterinary offices and clinics
  - 4. social clubs
  - 5. private instruction to more than three (3) students at a time
  - 6. restaurants
  - 7. automobile services (including service, sales)
- N. Day Care Homes, other than those defined in this Ordinance, shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:
  - 1. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
  - 2. A safe area shall be provided for the drop-off and pick up of children which does not obstruct the free flow of traffic on any public street.
  - 3. Off-street parking shall be provided in accordance with the requirements of this Ordinance.

## OIL AND GAS DEVELOPMENT

- A. Minimum Lot Size. The minimum lot size for an Oil and Gas Development shall be 20 acres. Contiguous properties can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other. All setbacks shall be measured from the exterior boundary lines of the combined parcel area.
- B. Setbacks. The following setbacks shall apply for Oil and Gas Development unless specifically stated otherwise:
1. Unconventional Well:
    - a. 500 feet from the well bore to an existing building, unless the owner of the building provides written consent.
    - b. 100 feet from the edge of well pad to any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
    - c. 300 feet from an unconventional well bore to any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
    - d. 300 feet from unconventional well bore to wetlands greater than one acre in area.
    - e. 100 feet from the edge of the disturbed area of the well pad to wetlands greater than one acre in area.
    - f. 1,000 feet from the edge of the well pad to any protected structure, unless owner of the protected structure provides written consent.
  2. Conventional Wellhead:
    - a. 200 feet from the edge of the well pad to an existing building
    - b. 100 feet from the edge of the well pad to any solid blue-line stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
- C. Sound. A sound study may be conducted by the Operator prior to any activity beginning on the site to demonstrate that sound will not exceed the permitted decibel levels for the applicable Zoning

District as set by Township Ordinance or the applicable standard imposed by State or Federal law, whichever is less. In the event of multiple zoning districts within the Township, the more-restrictive sound level standards shall govern. In the event that contiguous properties are combined for the Oil and Gas Development, the permitted decibel levels shall apply at the exterior boundary line of the combined parcel area. In the event Operator is unable to comply with the stated standards, it must put in place measures that may include, but shall not be limited to:

1. Sound Walls/ Noise Barriers. The erection of sound walls/noise barriers to bring the dBa within acceptable levels.
  2. Enclosure. Enclosure of sound-generating equipment in a sound-reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
  3. Mufflers. Equipment of internal combustion engine or compressor with an exhaust muffler or an exhaust box. Said muffler/box shall be constructed of noncombustible material designed and installed to suppress sound and disruptive vibrations.
  4. Obtain a release waiver of the applicable noise requirements from the owners of the impacted property.
- D. Lighting. Operator shall place lights, to the extent practicable taking into account safety considerations, at locations so as to avoid shine directed at public roads, protected structures and adjacent dwellings and buildings.
- E. Security Measures. Adequate security measures shall be in place at all times to protect Well Sites.
- F. Access roads. Access to any Oil and Gas Development shall be designed to ensure safety and reduce inconvenience to adjacent properties. The following shall also apply:
1. The access road to the Well Site, beginning with its intersection with a paved Township road, shall be paved for the first 100 feet and the remainder constructed with materials that reasonably minimize water, sediment or debris carried onto any public road.
  2. All access roads shall be constructed and maintained to prevent dust and mud to the surrounding area. Operator, at its discretion, is to implement reasonable dust abatement measures, during dry weather conditions and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
- G. Truck routes.
1. The Applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the Well Site on a daily basis. In conjunction with the Township, the Applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.



2. The Operator shall also coordinate its truck route with the local school bus schedules, which shall be provided to the Township by the Operator.
- H. Signage, site identification. The Well Site signage shall comply with act of February 2, 2012 (P. L. 67, No. 9) (Act 9), codified at 35 Pa.C.S. §7321 (relating to unconventional well 911 emergency response information), as amended.
- I. Operating times. All site preparation and preproduction activities on the Well Site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the applicable hours of operation as set forth in the Township Code or as otherwise authorized by the Board of Supervisors. The active drilling phase and completions (hydraulic fracturing) are exempt from this subsection.
- J. Impoundments. The Operator will provide the following information to the Township where an Operator constructs an impoundment within the Township:
1. A copy of the DEP impoundment permit, if applicable, must be provided at the time of application or when available;
  2. Chain-link fencing must be installed around any impoundment and shall be at least eight feet in height;
  3. Thirty-day advance written notice must be provided when transitioning from freshwater to re-use water storage and the Applicant must provide a copy of the revised DEP permit when available;
  4. The Applicant shall provide a copy of the Notice of Termination to the Township upon reclamation of the impoundment;
  5. Any storage of hazardous waste at the impoundment will require signage in accordance with Federal law; and
  6. Any DEP-reportable spills must be reported to the Township within 24 hours of the incident.
- K. Water Storage. In the event a Certified Water Storage Facility (Small, Medium, Large or MLVT) shall be placed on the site, it shall be subject to the provisions contained in \_\_\_\_\_. Separate conditional use approval shall not be required for a Certified Water Storage Facility located on site and used as an accessory to an Oil and Gas Development.
- L. Engine and motor enclosures. All engines and motors not involved in the active drilling/fracturing phase but used to facilitate the movement of gas or regulate the pressure of gas must be enclosed.
- M. On site Trailers. Operator must identify the number of temporary trailers at the Well Site that accommodate rest and meals for essential personnel during the drilling phase of operations and such temporary trailers are subject to applicable permit fees. Temporary trailers used to store equipment and used as office space at the Well Site are not subject to fees.

- N. Pipeline Information. Any oil or gas pipelines running from the well site shall be subject to the provisions contained in \_\_\_\_\_ herein.
- O. State and federal compliance. The Operator shall comply with all applicable state and federal regulations. The Operator shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits associated with the Well Site.
- P. Supplemental regulations. The facility must meet all of the supplemental regulations of the Township Code of Ordinances. Any and all uses categorized as conditional uses, in addition to the specific conditions set forth herein and shall be subject to the general and supplemental standards contained in the applicable zoning district(s); and may be further subject to additional conditions and safeguards as deemed necessary and appropriate by the Township.

*OIL AND GAS WELL*

- A. Applications for gas and oil well production must be accompanied by a site plan drawn by an architect, engineer or landscape architect showing the ingress and egress of all residential properties affected by the proposed use. The site plan shall reflect landscaping adequately so as to screen and buffer neighborhood properties, and the availability of ingress and egress does not disturb residential dwellings, Gas and oil well production must be located a sufficient distance from inhabited structures so as to not disturb neighboring properties and in no event shall be located within five hundred (500) feet of any inhabited structure or any agricultural production and/or agricultural processing site.

*PARKING, PRIVATE*

- A. Lot shall have a maximum of one (1) identification sign per ingress/egress point.
- B. Ingress/egress points must be designated so as not to impact surrounding development and traffic patterns.
- C. All lots located adjacent to existing residential developments shall reduce exterior lights to half power after 9:00 pm.

*PLACE OF ASSEMBLY/WORSHIP*

- A. The minimum lot area shall be one-quarter (1/4) acre.
- B. A place of assembly/worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. A place of assembly/worship shall provide adequate parking space for its patrons so as to not require on-street parking spaces.

- D. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Township Engineer to ensure employee and visitor safety.
- E. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- F. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- G. For parking demands greater than three hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

*PUBLIC UTILITY INSTALLATION/SUBSTATION*

- A. The minimum lot area required for a standalone Public Utility Installation/Substation shall be 20,000 square feet.
- B. Outdoor storage of materials or equipment, other than maintenance vehicles, shall be permitted only if the storage area is completely enclosed by a minimum six (6) foot high fence with locking gate. If the outdoor storage area is located within 50 feet of a property line adjoining property in the Residential or Village Districts, the storage area shall be screened by 100% opaque screening material placed in the fencing or by a six (6) foot high dense, compact evergreen hedge.
- C. Any area of the building that is used for business offices shall comply with the applicable parking requirements (of the Township Code). Any area of the building that is used for storage of material, vehicles or other equipment shall provide one parking space for each 1,500 square feet of gross floor area devoted that use.
- D. The facility must be buffered according to the applicable provisions of the Township zoning code in which the facility is located.

*RE-ENTRY RELATED OPERATIONS*

- A. Application. In addition to the conditional use application material required in Section \_\_\_\_\_, the Operator shall provide the following:
  - 1. Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
  - 2. Updated truck routing schedule over Township roads;

3. Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
  4. Updated drilling and related operations schedule/timeline; and
  5. Copies of any new or revised permits and approvals required for the Re-Entry Related Operation.
- B. Scope. The conditional use hearing will be limited to testimony and exhibits explaining the specific related operations not covered by the initial conditional or permitted use approval.
- C. Standards and Criteria.
1. Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or ordinance terms concerning setbacks, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents.
  2. The Applicant shall demonstrate compliance with the criteria applicable to the specific proposed Re-Entry Related Operation (e.g. Truck Staging Area or Certified Water Storage Facility).

*RETAIL, SMALL-SCALE*

- A. The establishment may not exceed a gross floor area of 5,000 square feet.
- B. The establishment must designate at least 60% of its gross floor area to the public display of merchandise or goods.
- C. In order to ensure that any proposed development does not create adverse conditions to the public right-of-way, a traffic impact study, in accordance with the Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

*SHOOTING RANGE, OUTDOOR*

- A. All shooting ranges shall provide a minimum setback of five hundred (500) feet from all adjoining lot lines or public rights of ways as defined by this Ordinance.
- B. A landscaped bufferyard of forty (40) feet in width shall be provided along all lot lines that adjoin an existing residence or residential zoning district. The bufferyard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- C. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within more than ten percent (10 %) of landscaped bufferyards.

*SOCIAL CLUB/HALL*

- A. The hours of operation must be conspicuously posted at the business premises such that patrons are sufficiently apprised of the time.
- B. Adequate private parking must be provided by the business so that patrons of the establishment are not forced to park on-street. Failure to provide sufficient parking will result in closing of the establishment.
- C. Such social club or hall shall not remain open and/or transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time of each day. No club located within five hundred (500) feet of a residence or place of worship shall be open or operated on Sunday.

*STORAGE DEPOT(S) AND TRUCK STAGING AREA(S)*

In addition to the applicable provisions contained in the Township Zoning Code, Storage Depots and Truck Staging Areas shall be further subject to the following:

- A. Minimum Lot Area. The minimum lot area required for a site shall be 2 acres. A certified survey of the site area must be provided prior to operations commencing.
- B. Setbacks. The following minimum setbacks must be met from the edge of any truck staging area (measured from the edge of the parking pad) unless waived by the owner of the property adjacent to the delineated setback:
  - 1. No part of a the parking pad may be located within 50 feet of a public road or public right of way;
  - 2. At least 200 feet from an existing building;
  - 3. At least 1,500 feet from a protected structure
- C. Surface. The surface of the staging area/storage depot shall be designed in a manner that would reasonably minimize water, sediment or debris carried onto any public road.
- D. Application Information. In addition to the application requirements set forth in Section \_\_\_\_\_, the Applicant shall provide:
  - 1. A location map showing the location of the site in the Township and the proposed ingress to and egress from the site.
  - 2. The anticipated types of vehicles to be accommodated.

3. Applicant/Operator must provide a list of materials to be stored on site to the best of its ability. This list must be provided to the Township's Emergency Responders in the event of an incident on site.
4. Copies of any permits or approvals required for the construction or operation of the Storage Depot or Truck Staging Area

E. Site Circulation.

1. Ingress, egress and internal traffic circulation shall be designed to ensure safe access by all vehicles.
2. Signs must be posted to direct traffic within the Truck Staging Area.
3. Operator must reclaim the site in accordance with State and Federal law.
4. No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.
5. A Truck Staging Area may be located on a parcel with other uses as long as the parcel provides parking for the other uses in accordance with the Township's Zoning Ordinance, Off-Street Parking and Loading provisions.

*WASTEWATER IMPOUNDMENTS*

- A. The minimum lot area shall apply to waste water impoundment that is not located on an oil and gas drilling well site.
- B. Water impoundments, designed to hold waste water, shall be fenced in accordance with Township standards to prohibit access by persons or animals and shall be equipped with bird netting.
- C. Waste water impoundments shall be located at least one thousand five hundred (1,500) feet from any public street right-of-way or property line. To ensure health, safety and welfare of Township residents and businesses, the Township reserves the right to increase the minimum necessary set back distance from a property line based upon existing and/or proposed site conditions and/or in context of surrounding land use activity.
- D. Lighting on the site shall be directed downwards and shielded so as to avoid glare on public roads and adjacent properties. Lighting shall not exceed 0.2 footcandles when measured ten (10) feet from any property line. To the extent permitted by safety considerations, exterior lighting shall be turned off between dusk and dawn, except during maintenance activities on the site.
- E. This site shall be sound-proofed as necessary to meet the maximum allowable noise levels permissible as specified in this Ordinance.

- F. Water impoundments shall be constructed in compliance with all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP).
- G. The Operator shall obtain permission from the Township for any surface or buried water lines that cross Township streets.
- I. The Township reserves the right to impose a risk assessment report related to the facility's safety and/or any and all reasonable safeguards or conditions necessary to implement the intent of this chapter and shall review the particular facts and circumstances of each proposed conditional use application in terms of the applicable use standards.
- J. The Operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored or distributed on site to the Township Fire Department and to the Township Emergency Management Coordinator a minimum of thirty (30) days prior to their use.

*WHOLESALE*

- A. No assembly of products or manufacturing shall occur on the premises.

## Article IV: Zoning Hearing Board Exceptions

### §401. General Criteria for Evaluation of Zoning Hearing Board Exceptions

- A. In evaluating an application for Zoning Hearing Board Exceptions, Donegal Township applies the guidelines and procedures associated with Special Exceptions in the Pennsylvania Municipalities Planning Code.
- B. Consideration of the Zoning Hearing Board Exception, upon review of recommendations by the Township Planning Agency is predicated on the Applicant's submission of a written application containing all of the information required under §401.C. along with a site plan meeting the requirements of subsection §401. E.
- C. A written submission must demonstrate the Special Exception will meet the primary criteria outlined below and:
  - 1. Will not endanger the public health and safety if located where it is proposed and will not deteriorate the environment or generate nuisance conditions such as, but not limited to, those outlined in Article V.
  - 2. Meets all other requirements of this Ordinance in the Zone where the use is proposed.
  - 3. Is in general conformity with the Donegal Township Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
  - 4. Is an appropriate use on the proposed lot as a use by special exception.
  - 5. Is defined as part of any special exception approval, said special exception use will be completed with the identified name.
  - 6. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same lot becomes null and void.
  - 7. Information including address of Applicant, location of site, listing of landowners who will receive noticed of such zoning application, Zone, and other relevant information as defined by Donegal Township are submitted.
- D. In requesting a special exception, the Applicant has both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Ordinance.
- E. The Site Plan must show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed must be submitted.
- F. The Zoning Hearing Board may attach reasonable conditions, in order to protect the public's health, safety, and welfare. These reasonable conditions may include, but are not limited to, increased



screening.

- G. Approval of all uses by special exception contained in this Ordinance are subject to periodic inspections by the Zoning Officer to insure compliance with the required conditions of approval. Such periodic inspection will be conducted annually while the use is conduction active operations.

## **ARTICLE V: Performance Standards and Supplementary Regulations**

### **§ 501. Performance Standards.**

#### **A. Compliance Required.**

1. All uses must comply with the requirements of this Ordinance and the landowner and/or developer must demonstrate that a proposed use can comply with the standards below prior to Donegal Township issuing approval and operation commencing on the lot. Compliance must be determined by the Zoning Officer with respect to permitted uses, by the Zoning Hearing Board with respect to special exceptions, and by the Township Board of Supervisors with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Article, Donegal Township may obtain a qualified consultant's report, whose cost for services will be borne by the Applicant.
2. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, will obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services is to be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services will be by and at the cost of the landowner and/or developer, unless the jurisdiction agrees otherwise. All service extensions are to be designed and installed in full conformance with the jurisdiction's standards for such service, and be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

**B. Fire Protection.** Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to Donegal Township Fire Standards and National Fire Protection Association must be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.

**C. Radioactivity; Electrical Disturbances.** Unless otherwise permitted by Donegal Township for medical purposes, no activity can emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

**D. Noise.** The sound level of any use within this District may not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels can be projected in accordance with similar or identical operations or uses and be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements must be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.

**E. Vibrations.** Except temporary vibration resulting from construction activity, vibrations detectable without instruments on any adjacent lot in any Zone will be prohibited.

- F. Dust, Fumes, Vapor, and Gas Control. The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise can exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as stated above, measurement procedures will follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

**§ 502. Supplementary Regulations.**

- A. Non-Tower Wireless Communications Facilities. The following regulations are applicable to communications mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets and are permitted in all Zones.

1. General Requirements.

- a. The following regulations shall apply to all Non-Tower Wireless Communications Facilities located within the Township:
- i. Accessory use to existing electrical transmission structures and utility poles. Non-Tower WCFs shall be considered to be an accessory use to existing electrical transmission structures and utility poles, when affixed to such transmission structures, and shall be permitted in all zoning districts in the Township.
  - ii. Standard of care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction Personnel, so that the same shall not endanger the life of any Person or any property in the Township.
  - iii. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
  - iv. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
  - v. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

- vi. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- vii. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice within ninety (90) days to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - 1.) All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - 2.) If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- viii. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the Applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the Applicant to provide the information shall not be counted toward the Township's review period. This timing of approval shall not apply to any Non-Tower WCF required to proceed through Conditional Use Approval.
- ix. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Township with 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 Non-Tower WCF.
- x. Indemnification. Each Person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for Personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each Person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Township in which it is claimed that Personal injury, including death, or property damage was caused by the

construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- xi. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
  - 1.) The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - 2.) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - 3.) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
  
- b. In addition to the regulations of subsection (a), the following regulations shall apply to all Non-Tower WCFs that do not Substantially change the physical dimensions of the Wireless Support Structure to which they are attached:
  - i. Permit Required. Applicants proposing the modification of an existing Tower-Based WCF, in order to accommodate a Non-Tower WCF Applicant, shall obtain the applicable permit from the Township zoning office. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township Zoning Official in accordance with applicable permit policies and procedures.
  - ii. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within twenty-five (25) feet of a lot in residential use or zoned residential.
  - iii. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.
  
- c. In addition to the regulations in subsection (b), the following additional regulations shall apply to all Non-Tower Wireless Communications Facilities that do substantially change the Wireless Support Structure to which they are attached:
  - i. Prohibited on Certain Structures. Non-Tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
  - ii. Conditional use authorization. When the Pennsylvania Wireless Broadband Co-location Act does not apply to the proposed siting of a new Non-Tower WCF application, the approval process for such application shall be conditional use. When a conditional use application is required, the regulations set forth in this section shall apply to the facility, dependent upon its proposed location. New

construction and modifications that do not fall within the provisions of the WBCA shall be prohibited without conditional use authorization.

- iii. Historic Buildings. No Non-Tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, the Pittsburgh History and Landmark Foundation, or is listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance.
  - iv. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
  - v. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.
2. Non-Tower Wireless Facilities Outside the Rights-of-Way. The following additional regulations shall apply to Non-Tower WCFs located outside the rights-of-way that do Substantially change the Wireless Support Structure to which they are attached:
- a. Development regulations. Non-Tower WCFs shall be collocated on existing structures, such as existing buildings or Tower-Based WCFs, if possible, subject to the following conditions:
    - i. In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the Non-Tower structure. Such documentation shall be analyzed on an individual basis.
    - ii. The total height of any wireless support structure and mounted WCF shall not exceed the maximum height permitted in the underlying zoning district by more than twenty (20) feet..
    - iii. If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum setback and building requirements for the applicable zoning district.
    - iv. A security fence of not less than ten (10) feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
  - b. Design regulations.

- i. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
    - ii. Non-commercial usage exemption. Township citizens utilizing satellite dishes and Antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the Design Regulations enumerated in this Ordinance.
  - c. Removal, Replacement, Modification. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
  - d. Reservation of rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.
  - e. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
3. Non-Tower Wireless Facilities in the Public Rights-of-Way. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the public rights-of-way:
- a. Co-location. Non-Tower WCFs in the ROW shall be collocated on existing poles, such as existing utility poles or light poles. If co-location is not technologically feasible, the Applicant shall locate its Non-Tower WCFs on existing poles that do not already act as wireless support structures.
  - b. Design Requirements:
    - i. WCF installations located above the surface grade in the public ROW including, on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are no greater than one-half of the width of the structures upon which they are mounted. Such installations are prohibited on any decorative streetlights. All equipment shall be the smallest and least visibly intrusive equipment feasible.

- ii. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- c. Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- d. Equipment location. Non-Tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - i. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot.
  - ii. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - iii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - iv. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - v. Any proposed underground vault related to Non-Tower WCFs shall be reviewed and approved by the Township.
- e. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
  - i. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
  - ii. The operations of the Township or other governmental entity in the right-of-way;



- iii. Vacation of a street or road or the release of a utility easement; or
- iv. An emergency as determined by the Township.

- f. Reservation of rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF for numerous factors, which include but are not limited to, visual impact, design, and safety standards.

D. Solar Collectors and Solar-Related Equipment.

- 1. Solar collectors and solar-related equipment are permitted in any Zone as an appurtenance to a building or as a detached outbuilding. No systems or equipment can be erected in a front yard or within the area between a front lot line and the front building facade of the primary building on the lot.
- 2. A statement that a solar energy collection system is to be installed on a lot must be filed with the Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed, and the Township Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.

E. Temporary Construction Trailers or Sheds. Temporary construction trailers or sheds are permitted in all Zones subject to the following:

- 1. Temporary construction trailers or sheds are permitted only during the period that the construction work is in progress. A permit for the temporary structure must be obtained from the Zoning Officer prior to the commencement of construction and must be renewed every six (6) months.
- 2. Temporary construction trailers or sheds must be located on the lot on which the construction is progressing and cannot be located within ten (10) feet of any lot line adjoining an existing residential use.
- 3. Temporary construction trailers or sheds must be used only as temporary field offices and for storage of incidental equipment and supplies and cannot be used for any dwelling use.
- 4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center is five hundred (500) square feet. A permit for the temporary trailer must be obtained from the Zoning Officer.
- 5. No combustible materials can be stored in temporary construction trailers or sheds.

F. Height Exceptions.

- 1. The height limitations of this Ordinance do not apply to the following structures: Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a primary structure; conveyors; flagpoles; silos; standpipes; elevated

water tanks; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the Zone by more than fifteen (15) feet.

2. All buildings or structures are subject to all applicable Federal Aviation Administration (FAA) height and lighting restrictions.

G. More than one dwelling unit may be permitted on a lot.

H. In instances where a building straddles or is proposed to straddle multiple lots or an alley, the landowner and/or developer is responsible for verifying with the Township that no easements or rights-of-ways exist.

1. If there is a recorded right-of-way, the Township reserves the right to determine if abandonment of the right-of-way for construction is appropriate in context of Donegal Township's community development objectives and the intent of this Ordinance. If abandonment is not appropriate, an application could be subject to denial.
2. If there is an easement, the Township reserves the right to determine if construction is or is not appropriate to occur on the easement in context of Donegal Township's community development objectives and the intent of this Ordinance. If construction on said easement is not appropriate, an application could be subject to denial.

I. Driveways.

1. All private garages and all off-street parking enclosed within a primary building must be connected directly to a public street, public alley by a private driveway no wider than twelve (12) feet. Where there are multiple off-street parking spaces in a private garage or enclosed within the principal building, the driveway may be widened to access said parking spaces.
2. The entire flare of any return radius on a driveway must fall within the right-of way.

J. Utilities.

1. All utilities for lots that have improvements or are redeveloped must be located underground unless otherwise approved by the Township Board of Supervisors.
2. Utility connections such as gas meters, electric meters, phone, and cable must be located so as to minimize their visibility from the street.
3. HVAC condenser units must be located so as to minimize their visibility from the street.

K. Dumpster Enclosures.

1. Dumpsters existing as of the effective date of this Ordinance and dumpsters constructed subsequent to the effective date of this Ordinance shall comply with the following:
  - a. No dumpster or dumpster enclosure shall be located within a required landscape bufferyard and may be located within a required yard only if a street or dedicated alley separates the lot from any adjacent residential lot. Required enclosures shall be defined by the Township based upon review of proposed dumpster location and service area access in relationship to public right-of-way, building locations and vehicular/pedestrian circulation routes.

- b. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents and closed lids.
  - c. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or bollards shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.
2. Businesses shall be encouraged to share dumpsters.

L. General Landscaping.

1. One (1) landscaped island for every seven (7) parking spaces must be provided within all non-residential parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches dbh; one (1) tree per residential unit or one (1) tree per 1,000 square feet of development in the Rail-Trail Zone is required on a lot.
2. For any Plan prepared and submitted as part of an Application that involves non-residential redevelopment, infill, construction, excavation or building expansion, it is recommended to include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
  - a. All Township required bufferyards with proposed plantings;
  - b. All Township required planting independent of any bufferyard requirements;
  - c. Any planting in excess of the requirements of this Ordinance;
  - d. Any existing trees or vegetation which are to be preserved;
  - e. Any existing trees or vegetation which will be removed; and
  - f. The location and species of all existing trees six (6) inches in dbh. Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more dbh.

M. Outdoor Storage.

1. The Township aims to provide a safe and healthy environment to its residents and businesses.
2. The following items associated with outdoor storage are considered public health or safety menaces which may endanger the health or safety of the public and, as such, are subject to Township inspection. Such items cannot be stored on a lot.
  - a. Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste;
  - b. Unburied dead animals;
  - c. Accumulation of water causing mosquito or other vector breeding or proliferation;
  - d. Rodent or insect infestation;

- e. Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety;
  - f. Uncovered woodpiles and woodpiles exceeding one hundred twenty (120) cubic feet;
  - g. Fuel sources and fire hazards stored freely out-of-doors;
  - h. Furniture typically intended/constructed for indoor use stored out of doors;
  - i. Inoperable appliances, vehicles and equipment;
  - j. Mechanical equipment not intended for traditional landscaping purposes stored between the front façade of a main building and the front lot line; and
  - k. Motorized, mechanical and other powered vehicles and equipment stored between the front façade of a main building and the front lot line that is not in concealed storage (that which exceeds 85% or greater opacity) or between rear or side facades and rear or side yards that is not screened from adjacent lot(s).
  - l. Any other condition or objects that may be injurious or cause adverse effect to public health or safety.
3. Except for retail/wholesale landscape plant (living) species which require outside storage of materials for growth within the environment, the storage and display of materials outside a completely enclosed structure shall not be permitted.
  4. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by the Township which screens the display/storage area from public view from the street or from any adjacent residential use.
  5. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six (6) feet in height and achieves eighty-five percent (85%) opacity.
  6. When any condition that constitutes a public health or safety menace is found on occupied or vacant land or premises, the Township shall notify in writing the landowner or occupant of the land or premises on which the condition exists and/or any other person who it believes is responsible for the health or safety menace. Such notice shall contain a description of the health or safety menace; the time within which the menace shall be abated, corrected or eliminated; and a statement that the landowner, occupant of the land or other person responsible may request a hearing within ten (10) days of the receipt of the notice. Notice sent by registered or certified mail to the last-known address of the owner whose name is shown on the current real estate tax assessment records or occupant or other identified person responsible shall be deemed compliance with the notice requirement to the person responsible.
  7. Upon receipt of the written notice from the Township, the landowner, occupant of the land or other person responsible shall abate, correct or eliminate the health or safety menace. The amount of time allowed to abate, correct or eliminate the health or safety menace condition shall be determined by the Township, and shall not be less than twenty-four (24) hours nor

more than ten (10) days. If the Township determines that the menace cannot be abated, corrected or eliminated within ten (10) days, the Township may order temporary abatement measures and allow a longer period of time to abate, correct or eliminate the condition. The Township may allow such a longer period of time only upon request of the landowner, occupant of the land or other person responsible and only upon a good faith showing that such longer period of time is necessary.

8. After receipt of the written notice, it is unlawful for the landowner, occupant of the land or other person responsible to fail to abate, correct or eliminate the health or safety menace within the time determined by the Township.
9. If the written notice is undeliverable, or if after receipt of the written notice, the landowner, occupant of the land or other person responsible fails to abate, correct or eliminate the health or safety menace, the Township may request Township representatives to take reasonable steps to abate, correct or eliminate the health or safety menace whether the land or premises are occupied or vacant. If the landowner, occupant of the land or other person responsible denies free access for such purposes, the Township may proceed after obtaining the applicable legal authorization. Costs and expenses incurred by the Township in abating, correcting or eliminating a health or safety menace on private property shall be assessed against the owner and/or occupant of the land or premises and/or any other person responsible for the health or safety menace, and shall be recoverable from the owner in the same way as taxes and levies. Costs and expenses incurred by the Township in abating, correcting or eliminating a health or safety menace on public property shall be recoverable from the person or persons responsible for causing the health or safety menace.

#### N. Re-Entry Drilling

1. Notice. The Operator shall provide the following notice of Re-Entry Drilling at least 30 days prior to initiating operations at the well site:
  - a. Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
  - b. Updated truck routing schedule over Township roads;
  - c. Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
  - d. Updated drilling and related operations schedule/timeline; and
  - e. Copies of any new or revised permits and approvals required for the Re-Entry Drilling.
  - f. Confirmation that Operator is not in breach of current Conditional Use approval.
2. Approval. The required information will be reviewed by the Township Engineer and if said Re-Entry Notice is complete the Re-Entry Drilling will be approved in writing without the requirement of a supplemental hearing. The approval shall be a continuance of any previous approval granted for Oil and Gas Development on the subject property.

3. Supplemental Hearing. A supplemental hearing will be required if the Re-Entry Drilling includes a material change or includes additional operations not covered for and/or permitted in the initial approval.
4. Scope. If required, the conditional use hearing will be limited to testimony and exhibits explaining the specific operations not covered by the initial conditional or permitted use approval.
5. Standards and Criteria. Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or ordinance terms concerning setbacks, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents.

O. Traffic Control Site

1. Notice. The Operator shall provide the following notice of a Traffic Control Site at least 14 days prior to initiating the use:
  - a. Updated truck routing schedule over Township roads;
  - b. Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
  - c. A location map showing the location of the site in the Township and the proposed ingress to and egress from the site;
  - d. The anticipated types of vehicles to be accommodated;
  - e. The relevant drilling and related operations schedule/timeline, if available; and
  - f. Proof of the property owner's consent to the use.
2. Approval. The required information will be reviewed by the Township Engineer and if said Traffic Control Site Notice is complete the Traffic Control Site will be approved in writing.

P. Oil and Gas Pipelines

1. Notice: A company desiring to construct oil and gas pipelines that are regulated by State or Federal agencies are allowed to do so as a permitted use in the Township, subject to submitting to the Township copies showing evidence that it has obtained and maintains in good standing all required state and/or federal permits, including proof of bonding to operate pipelines, when such bonding is required. In addition to the required permitting documents, Applicant must also submit:
  - a. The origin point and destination of the pipeline to be constructed in the Township including timeframe for activities;
  - b. A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS); and
  - c. Any site reclamation plans and timeframe.

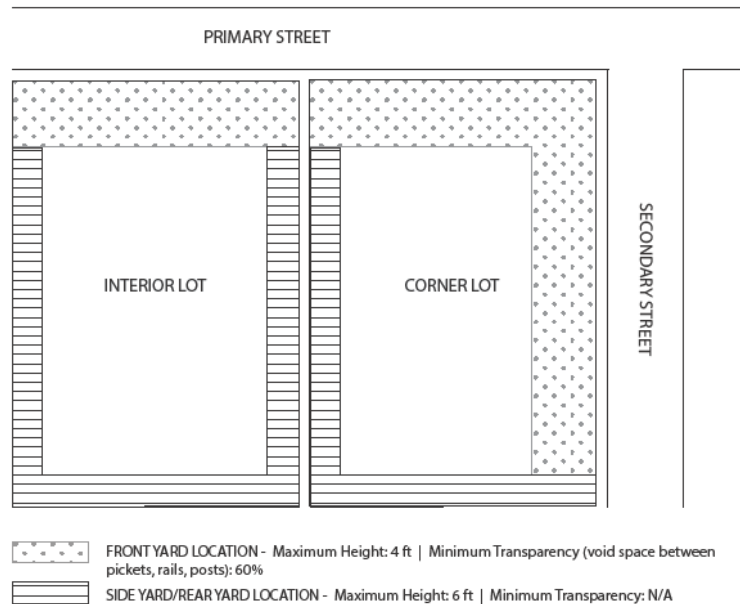
## Q. Bufferyards

1. In the case where an Industrial/Commercial District lot is adjacent to any residential lot:
  - a. No structures or uses, including, but not limited to, buildings, accessory structures, parking spaces, access driveways and lighting devices, may be located closer than thirty-five (35) feet to any side or rear lot line, provided, however, that if the width of any such bufferyard would exceed more than ten percent (10%) of the width or depth of the subject lot as it existed as of the effective date of this Ordinance, measured along a perpendicular line running from the relevant side or rear lot line, then the size of the bufferyard shall be established through the following formula:
    - i) A ten (10) foot wide bufferyard is required around the perimeter of the Industrial/Commercial lot. This bufferyard shall contain two (2) rows of planting. Each row shall consist of a mixture of deciduous (30%) and evergreen (70%) trees space within the row ten (10) feet apart, measured from the vertical centerlines of the adjacent trees. The two (2) rows shall be staggered in the manner as to result in adjacent trees in the two (2) different rows to be no more than five (5) feet apart, measured from the vertical centerline of the trees.
    - ii) In addition to the above noted required trees, a row of low evergreen shrubs or hedges shall be planted, or earthen mounding shall be constructed in the Bufferyard which shall provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of passenger cars. These low level shrubs, hedges or mounds shall be of such height that a person facing a passenger car with the shrubs, hedges or mounds between him/her and the car, could observe the car's low beam lights as a result of the diffused or reflected light from the headlights and not because the main, direct beam of those lights was observable.

## R. Fences, Walls, and Barriers

1. Unless a provision has already been set forth by this Ordinance, the maximum permitted height of an open fence/wall/ barrier or a solid fence/wall/barrier is six feet, with the exception of the following:
  - a. The only fences/walls/barriers permitted in front yards (Refer to Figure 1) in residential districts shall be ornamental fences/walls/barriers, limited to four (4) feet in height. Fences/walls/barriers shall have equally spaced open and closed sections of the same dimension. No opening shall be less than three (3) inches and the fence/wall/barrier shall have a minimum transparency of sixty (60) percent. Chainlink fences are not permitted in front yards.
  - b. For fences/walls/barriers situated in side and rear yards (Refer to Figure 1) in any residential zoning district, the maximum fence height shall be reduced to four (4) feet once it extends into the front yard.

**Figure 1: Fence/Wall/Barrier and Yard Regulations**



- c. A fence/wall/barrier around a tennis court may be a maximum of ten (10) feet in height.
  - d. A fence/wall/barrier not exceeding ten (10) feet in height may be erected in any required yard for schools, playgrounds or parks or in any required side or rear yard in commercial or industrial districts.
2. Hedges and shrubbery shall not constitute as a fence/wall/barrier.
  3. Except within the Industrial or Agricultural Districts, any fence/wall/barrier through which an electrical current can be passed, giving an electric shock to any person or animal touching it, is not permitted.
  4. For fence/wall/barrier requirements for outdoor swimming pools, refer to Section 3109: Swimming Pool Enclosures and Safety Devices of the IBC 2009 Code for Swimming Pools.
  5. Structural members such as stringers, rails, or the like that are used to support or stabilize a fence/wall/barrier shall only be situated upon the interior side of the fence/wall/barrier, facing the interior of the lot and not visible from adjacent lots or right-of-ways.
  6. If any fence/wall/barrier is constructed of a combination of materials, the structural material shall only be situated on the interior of the structure (Example - Figure 2: Interior/Exterior Face Orientation – Brick, Stone, or Cast Concrete.)
  7. To maintain consistency with the Township’s established character, polyvinyl chloride slats interwoven through chainlink or cyclone style fences/walls/barriers shall not be permitted in any village or residential district within the Township.



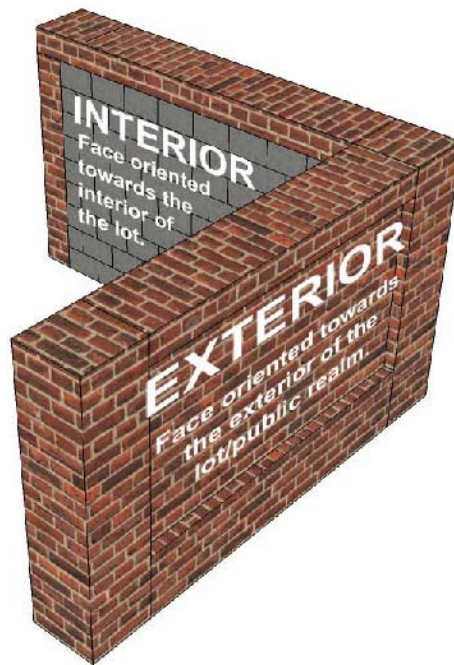
- Transparent or opaque fabric windscreens affixed to a fence/wall/barrier shall be permitted only as a temporary installation when located in the front yard. A permanent windscreen shall be permitted if the fence upon which the windscreen is located does not protrude into the rear yard or side yard nor is located between the front lot line and the front façade as measured farthest from the lot line. Such an installation shall require the recommendation of Planning Commission and the approval of the Township Board of Supervisors prior to implementation. As a part of the approval process, the Township Board of Supervisors shall define and approve the period of time that windscreen shall be permitted.

**Figure 2:** Interior/Exterior Face Orientation

ALUMINUM OR WROUGHT IRON PICKET:



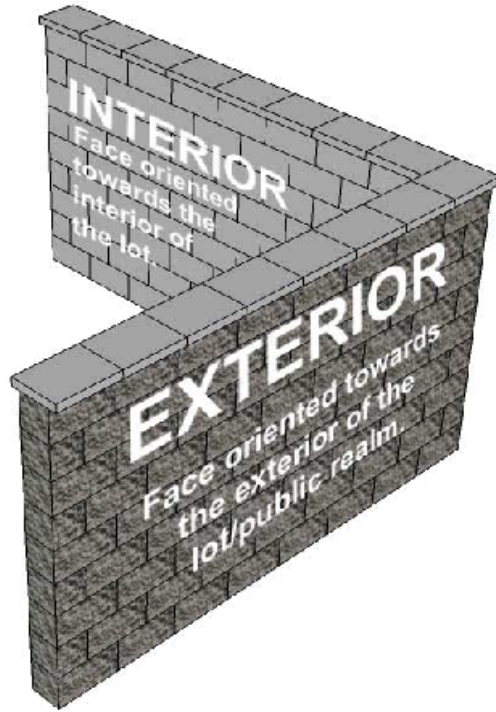
BRICK, STONE, OR CAST CONCRETE:



CHAINLINK OR CYCLONE TYPE:



CONCRETE MASONRY UNIT:



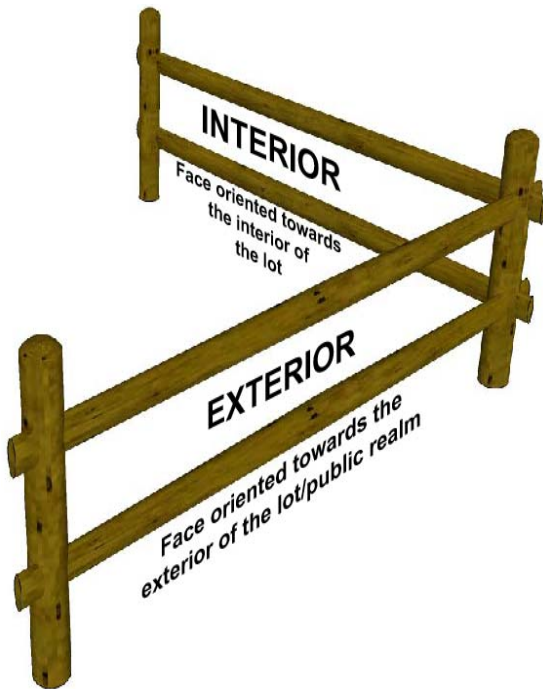
WOOD BOARD:



WOOD PICKET:



WOOD RAIL:



9. Permitted Fence/Wall/Barrier Materials

The following are permitted ornamental fence/wall/barrier materials:

- a. Aluminum Picket (with safe picket tops)
- b. Wrought Iron Picket (with safe picket tops)
- c. Brick
- d. Stone
- e. Cast Concrete
- f. Wood Board
- g. Wood Picket
- h. Wood Rail
- i. Vinyl Picket
- j. Finished Composite Wood Picket
- k. Finished or Cast Concrete

Chainlink or Cyclone Style fence/wall/barrier are not permitted in front yards in any residential or village district.

10. Permitted Non-Ornamental Fence Materials

The following are permitted fencing materials:

- a. Aluminum Picket (with safe picket tops)
- b. Wrought Iron Picket (with safe picket tops)

- c. Brick
- d. Stone
- e. Cast Concrete
- f. Wood Board
- g. Wood Picket
- h. Wood Rail
- d. Vinyl Picket
- e. Finished Composite Wood Picket
- f. Finished or Cast Concrete
- g. Chainlink or Cyclone Style

S. Residents shall be protected by the Pennsylvania Right to Farm Act, ACRE / Pennsylvania Act 38 of 2005 and Agricultural Security Areas (as applicable).

## **ARTICLE VI: Signage**

### **§ 601. Purpose.**

The sign regulations, controls and provisions set forth in this Section are made in accordance with an overall plan and program related to residential and non-residential uses. The regulations, controls and provisions are intended to protect public safety, safeguard economic development potential, safeguard development compatibility and the insure the general welfare of Donegal Township. The regulations, controls and provisions are also intended to: aid in traffic control and traffic safety; establish reasonable standards for non-residential and other advertising through the use of signs in order to maintain and encourage business activity and economic development; avoid uncontrolled proliferation of signs; respect public safety needs and concerns; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome, attractive character of Donegal Township and its generally established rural nature; and to recognize that the general welfare include a Township plan that is to be attractive as well as healthy, spacious, clean and well balanced in its growth and development.

### **§602. Sign application and Sign Permit.**

#### **A. Sign Application.**

1. All proposed developments are required to submit a sign application to Donegal Township for its approval prior to issuance of any Township sign permit. A sign application is a detailed description, including but not limited to type, size, and location of all signs for each lot. Donegal Township will review all sign applications for completeness. Any application determined to be incomplete will be returned to the Applicant with a description of missing and/or incomplete items. This provision applies to:
  - a. New construction after the effective date of this Ordinance.
  - b. A change of tenant.
  - c. The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.

#### **B. Sign Permit.**

1. A sign permit is required in order to erect, install, relocate, modify or change any sign within Donegal Township unless otherwise indicated in this section. "Modify" means a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.
2. No permit is required for the following types of signs as described above: Construction Signs erected by a governmental agency, Notification, and Real Estate.
3. The Zoning Officer issues the required permits upon submission of a complete application that complies with all applicable provisions of this Ordinance and payment of the required fee as established from time to time by resolution of the Township Board of Supervisors.
4. The provisions do not apply to:

- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises not having commercial connotations.
- b. A single flag of the United States or Pennsylvania except when displayed in connection with commercial promotion.
- c. Legal notices or identification, information or directional signs erected or required by governmental bodies.

**§ 603. General Regulations.**

- A. The construction of each sign must comply with applicable provisions of the Uniform Construction Code, as adopted by Donegal Township.
- B. General placement and display of signage.
  - 1. Signs in the Township can be displayed in accordance with the following:
    - a. So that the total signage square footage on a lot does not exceed 10% of the square footage of the front façade of a structure.
  - 2. No sign can be placed, erected or located so that it:
    - a. Is pasted, stapled or otherwise attached to public utility poles, trees, official traffic control devices or traffic signs within the street right-of-way line.
    - b. Is painted directly upon the wall or any other part of the building except for windows. Letters or other devices prepared elsewhere may be applied directly to a wall or to a display window.
    - c. Is painted on, attached to, or supported by a tree or other living objects.
    - d. Is on a public lot or public rights-of-way, unless issued a permit by a governmental body, or unless required to be so located by order of a governmental body.
    - e. Is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises or temporarily for overnight storage on the sight of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.
    - f. Obscures the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads by reason of size, location, content, coloring or manner of illumination.
    - g. Obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

- h. Makes use of words as “Stop,” “Look,” “One Way,” “Danger,” “Yield,” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.
  - i. Blocks doors, fire escapes, operable windows or access to them; nor can a sign be attached to a fire escape.
  - j. Sign font and logos can only be legible from the front and/or side of any sign.
  - k. No sign can be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.
  - l. Is off-premise nor the use of a lot.
- C. Written proof of an agreement between both the landowner upon which an off-premise sign is to be erected and the business owner of the subject business must be provided to Donegal Township upon request. At a minimum, the agreement must identify the length of time the sign is permissible to exist on the subject lot and responsibilities for maintenance.
- D. Illumination.
1. Illumination can be directed upon the sign face and not towards adjoining lots or streets so that the source of illumination is not visible. Internal illumination of signs is permitted only within accordance of the lighting performance standards established with this Ordinance. Lighting must be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, must be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots. Electronic variable message signs, meaning an electrically or electronically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming cannot be permitted within twenty (20) feet of a road right-of-way.
  2. Illuminated Window Signs include lit signs placed inside a window facing the exterior of the building.
    - a. Illuminated window signs cannot be placed above the ground floor of the building and/or more than ten (10) feet above grade level of the building.
    - b. Illuminated window signs cannot exceed a size of sixteen (16) square feet. Anything exceeding this size is deemed a building sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed sixteen (16) square feet will be permitted.
  3. Signs may be illuminated by direct lighting and must have such lighting shielded (cutoff) so no direct light shines on an adjacent lot or in the normal line of vision of the public using the streets or sidewalks. Gooseneck fixtures and uplighting are be permitted methods of direct lighting.

4. No animated sign (except time and temperature indicators), signs illuminated by a flashing, pulsating or intermittent source, strung pennants or bare bulbs, or signs lighted in such a manner as to create glare conditions on adjacent properties or any adjacent street are permitted.
5. Signs containing an integral lighting source, as well as their structural supports, must be made of non-combustible materials, meaning those materials which will not ignite or deform at temperatures below 1,200 degrees Fahrenheit.
6. The maximum lumens measured at any one lot line of the lot on which the lumens are generated is zero (0).

E. Maintenance and Inspection.

1. Every permitted sign must be constructed of durable material, kept in good condition and repair. If the durability and/or condition of said sign is not improved within the time period defined by the Zoning Officer, the sign can be removed by Donegal Township at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by Donegal Township.
2. Any damaged sign shall be repaired within sixty (60) days.
3. Any sign which has been damaged to such extent that it may pose an imminent hazard to passersby, as determined by the Zoning Officer, must be repaired or removed immediately.
4. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
5. Failure to comply with these sign maintenance requirements constitutes a violation of the Zoning Ordinance of Donegal Township.

F. Removal of Signs.

1. On-premise signs advertising a use no longer in existence or a product no longer available must be removed or changed to advertise the new use or product immediately after cessation of the original use. Signs once removed can be replaced only by signs in conformance with this Ordinance.
2. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business must be removed within thirty (30) days of the vacation or discontinuance of the business or activity.
3. If the landowner and/or developer fails to remove the sign by the end of the thirty-sixth (36th) day from which the permit had been issued, Donegal Township is permitted to remove the sign at the landowner and/or developer's expense.



## **ARTICLE VII: Non-Conforming Uses, Structures, and Lots**

### **§ 701. Non-conformities.**

The provisions of this Section apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in Donegal Township, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This Article is concerned with properties of inadequate area and/or frontage, uses of land and/or structures for activities not permitted in the zone and structure placed on a lot too close to lot boundary lines for compliance with standards of the zone in which they are located.

#### **A. Non-conforming Lots of Record.**

1. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the zone in which it is located, even though its dimensions are less than the minimum requirements of this ordinance. Where two or more adjacent lots of record with less than the required area and width are held by one owner on or before the date of enactment of this Ordinance, the request for a permit will be referred to the Zoning Hearing Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.
2. No provision of this ordinance relating to side and rear yard requirements will prevent the reasonable use of a non-conforming lot of record. The Zoning Officer may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth. However, such yard dimensions may not be reduced by more than forty percent (40%) of that required without the approval of the Zoning Hearing Board.

#### **B. Non-conforming Uses of Land and Structures.**

1. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
  - a. No non-conforming use of land can be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance.
  - b. No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the Zone where it is located may be increased in volume by no more than fifty percent (50%) over the volume of such structure at the time of adoption of this ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this ordinance or

subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.

2. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason, including destruction of buildings, for a period of at least one (1) year, any subsequent use of such land, or land and structures in combination, must conform to the regulations for the Zone where such land is located, except that where a hardship to the operator of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the one (1) year limit consistent with the hardship, but not more than one (1) additional year.
3. The non-conforming use of a structure or a lot may be changed only to a conforming use unless:
  - a. The applicant demonstrates a hardship in converting the use to a conforming use; or
  - b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement does not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale. Each succeeding owner of a non-conforming use must secure a zoning certificate of compliance from the Zoning Officer who may ask the Zoning Hearing Board for a decision if the owner had reason to doubt that the non-conforming use will be continued in the same manner as formerly.
4. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the Zone where the lot is located and the use of the premises must conform to the regulations of the Zone.
5. Where a non-conforming use of structure and premises exists in combination, removal of the structure and/or use in the structure terminates the non-conforming use of the premises.
6. The maintaining or strengthening to a safe condition of any non-conforming structure may not be interpreted as being denied by any portion of this Article.

#### C. Non-Conforming Structure.

1. A structure that exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.
  - a. Any replacement of a non-conforming structure must be made in compliance with the regulations governing development for the Zone in which the lot is located, except that if a hardship is alleged by the owner, the owner may request a special exception of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.

- b. If a non-conforming structure is moved, it must conform to requirements of this Ordinance regarding location on the line.
- D. Record of Non-Conforming Uses.
  - 1. The Zoning Officer must keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of con-conforming uses as they are eliminated.
  - 2. The record may be kept by map or written documentation.

## **ARTICLE VIII: Rezoning**

### **§801. Purpose of Rezoning.**

Rezoning can be initiated to protect the safety, capacity and efficiency of Donegal Township's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Donegal Township Comprehensive Plan. See also the Pennsylvania Municipalities Planning Code §609.

### **§802. Rezoning Application Forms.**

Rezoning applications are completed on the official forms provided by the Zoning Officer. All Applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated in §804 to demonstrate the compatibility of a rezoning proposal.

### **§803. Review of Rezoning Applications.**

- A. The Zoning Officer:
  - 1. Will perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the Applicant. A completed application and packet will be forwarded to the Township Board of Supervisors for review.
  - 2. Will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
- B. As part of the rezoning approval process, the Township Board of Supervisors can consider the motivation and implications of each plan, analysis and report.
- C. The Township Board of Supervisors:
  - 1. Will consider any projected beneficial and/or detrimental effects on Donegal Township and may hold a public hearing on the application, if they deem it applicable.
  - 2. Submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Donegal Township Comprehensive Plan.
  - 3. Will forward Township Board of Supervisors a recommendation for the nature of action regarding rezoning.
- D. The Township Board of Supervisors will hold a public hearing on the application and compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

### **§804. Application Criteria.**

- A. Application Requirements. The plans and reports that a landowner and/or developer are to submit shall include:
1. Sketch Plan.
  2. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
  3. Off-street parking projections (number of parking spaces) available on site.
  4. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
  5. Depending upon the location of lot access, infrastructure service/demands and impacts identified in §804.A.4. on adjoining lots, the Township Board of Supervisors may require a landowner and/or developer to prepare other potential related studies. The Township Board of Supervisors reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

## **ARTICLE IX: PERMITS**

### §901. Building Permits.

- A. Building permit information regarding application, review and issuance is available from the Township.

### §902. Occupancy Permits.

- A. Occupancy permit information regarding application, review and issuance is available from the Township.

### §903. Temporary Use Permit.

- A. The purpose of a Temporary Use Permit is to ensure compatibility of the temporary use with surrounding lots.
- B. A Temporary Use Permit application is available from the Zoning Officer.
- C. Areas to be reviewed as part of the permit process may include, but not be limited to, traffic circulation, parking, public conveniences, signs and any other special operating characteristics.

### §904. Zoning Certificate.

- A. A zoning certificate is required prior to the establishment, change or alteration of any use, or the construction, enlargement, expansion or alteration of any structure.
- B. A Zoning Certificate application is available from the Zoning Officer.

## ARTICLE X: AMENDMENTS

### §1001. Enactment of Zoning Ordinance Amendments.

- A. The Township Board of Supervisors may amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in the PA MPC.
- B. The Township Board of Supervisors will conduct hearings and make decisions in accordance with the PA MPC. Before voting on the enactment of an amendment, the Township Board of Supervisors will hold a public hearing, pursuant to public notice.
- C. Prior to the public hearing on the amendment by the Township Board of Supervisors, the amendment shall be forwarded to Washington County for recommendations.

### §1002. Procedure for Landowner Curative Amendments.

- A. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which the landowner and/or developer has an interest may submit a curative amendment to the Township Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the PA MPC, 53 P. S. §10916.1. See also §609, §610 and §916.1 of the PA MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Township Board of Supervisors will conduct hearings and make decisions in accordance with the PA MPC.
- C. The Township Board of Supervisors, if it determines that a validity challenge has merit, may adopt landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Township Board of Supervisors will consider material submitted by the landowner and also consider:
  - 1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities;
  - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map;
  - 3. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  - 4. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

§1003. Procedure for Township Curative Amendments.

- A. If Donegal Township determines that this Ordinance, or any portion hereof, is substantially invalid, it can take the following actions:
  - 1. Donegal Township can declare by formal action, this Ordinance or portions hereof, substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Township Board of Supervisors will:
    - a. By resolution make specific findings setting forth the declared in validity of this Ordinance which may include:
      - i. References to specific uses which are either not permitted or not permitted in sufficient quantity;
      - ii. Reference to a class of use or uses which requires revision; or,
      - iii. Reference to this entire Ordinance which requires revisions.
    - b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
  - 2. The Township Board of Supervisors will conduct hearings and make decisions in accordance with the PA MPC.

§1004. Content of Public Notice.

- A. Public notices of proposed zoning ordinances and amendments include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within Donegal Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall comply with PA MPC §609(2)(i).



## ARTICLE XI: ADMINISTRATION AND ENFORCEMENT

### § 1101. Administration.

- A. Township Board of Supervisors. Under this Ordinance, the Township Board of Supervisors has the duty to:
1. Consider and adopt or reject proposed amendments or the repeal of this ordinance as provided by law. Township Board of Supervisors cannot hear and decide questions of enforcement that may arise.
  2. Appoint and remove members of Township Board of Supervisors and the Zoning Officer. Removal requires just cause and a formal hearing.
  3. Receive and consider Township Board of Supervisors' ordinance-related recommendations.
  4. Ask for recommendations of the Township Planning Agency on the adoption or amendment of this Ordinance and for these matters specified in §303(a) of the PA MPC, as amended.
  5. Advertise and host a public hearing before adopting a zoning ordinance or any of its amendments.
  6. Establish fees for the issuance of land development, building, occupancy and sign permits in accordance with PA MPC §717.3(e)
  7. May prescribe fees for processes outlined in PA MPC §717.3(e)
  8. Has exclusive jurisdiction to hear and render final adjudications for:
    - a. All applications pursuant to §508 of the PA MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Part V of the PA MPC, 53 P. S. §10501 et seq.
    - b. Applications for conditional use under the express provisions of this Ordinance.
    - c. Applications for curative amendment to this Ordinance or pursuant to §609.1 and 916.1(a) of the PA MPC, 53 P. S. §10609.1, 10916.1(a).
    - d. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the PA MPC, 53 P. S. §10609.
    - e. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions with reference to sedimentation and erosion control and storm water management as enabled by the PA MPC.
- B. Zoning Officer.
1. Duties generally involve:
    - a. The day-to-day administrative procedures of this Ordinance.
    - b. Receiving, reviewing, and issuing of building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance.

- c. Notify persons violating this Ordinance.
  - d. Keeping this Ordinance and map up-to-date.
  - e. Accepting applications for and presenting facts at hearings before the Zoning Hearing Board.
2. Township Board of Supervisors may amend the duties of the Zoning Officer as deemed necessary for the health, safety and welfare of the residents.
  3. The Zoning Officer:
    - a. Must administer this Ordinance by its literal terms.
    - b. Does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance.
    - c. Is required to meet qualifications established by Donegal Township and the Pennsylvania MPC and must be able to demonstrate a working knowledge of the municipal zoning.
    - d. May also serve as the Building Inspector.
- C. Building Inspector.
1. The Building Inspector enforces this Ordinance by issuing building permits and occupancy permits for only such structures and uses that comply with the provisions of this Ordinance. The Building Inspector conducts all inspections necessary to determine compliance with the Ordinance and maintains records thereof.
  2. The Building Inspector is responsible for:
    - a. Maintaining all of the records of this Ordinance including, but not limited to, all maps, amendments and variances, nonconforming uses appeals and applications.
    - b. Collecting fees that accompany applications for building and occupancy permits and variances.
    - c. Receiving, filing and forwarding to the Township Board of Supervisors and the Township Board of Supervisors for action all applications for amendments to this Ordinance.
    - d. Receiving, filing and forwarding to the Zoning Hearing Board all applications for variances and appeals.
  3. The Building Inspector may also serve as the Zoning Officer.

§ 1102. Enforcement Remedies.

- A. Enforcement Notice.

1. If it appears to Donegal Township that a violation of this Ordinance has occurred, Donegal Township will initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.
2. The enforcement notice must be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
  - a. The name of the landowner and any other person against whom Donegal Township intends to take action.
  - b. The location of the lot in violation.
  - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the timeframe as defined by the enforcement notice.
  - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance must, upon being found liable in a civil enforcement proceeding commenced by Donegal Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Donegal Township as a result thereof. No judgment may commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Donegal Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there can be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Magistrate Judge and thereafter each day that a violation continues will constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance must be paid over to Donegal Township. The appropriate officers their agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section can be construed or interpreted to grant to any person or entity other than Donegal Township the right to commence any action for enforcement pursuant to this Section.

## **ARTICLE XII: DEFINITIONS**

### **§ 1201: DEFINITIONS THAT PERTAIN TO OIL AND GAS DRILLING AND RELATED OPERATIONS**

**ACCESS ROAD** – Ingress and egress from a Township or state road providing private access to an Oil and Gas Operation and Related Operations.

**APPLICANT** – An individual, corporation, entity that fills out the application.

**CERTIFIED SMALL TEMPORARY WATER FACILITIES** - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to support hydraulic fracturing operations for 4 months or fewer during a 12-month period. Certified Small Temporary Water Facilities shall not include regular trucking of fluids to or from the storage containers.

**CERTIFIED WATER STORAGE FACILITIES, LARGE** - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to hold over 100,000 barrels of fresh water and/or re-use water for use in Oil and Gas Development.

**CERTIFIED MODULAR LARGE VOLUME TANKS (MLVTs)** -- For the purposes of this ordinance, MLVTs include any aboveground, fully enclosed tank field assembled from multiple uniform factory prepared components which provides primary containment for 100,000 barrels or more of fluids. By this definition, MLVTs are typically field assembled on an Oil and Gas location for temporary use or are dismantled for movement to a different location following their use. This shall include Modular Large Volume Tanks (MLVTs) that meet American Water Works Association – AWWA - standards or standards deemed to be acceptable by the Township.

**CERTIFIED WATER STORAGE FACILITIES, MEDIUM** - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to hold between 10,000 barrels to 100,000 barrels of fresh water and/or re-use water for use in Oil and Gas Development.

**CERTIFIED WATER STORAGE FACILITIES, SMALL** - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to hold less than 10,000 barrels of fresh water and/or re-use water for use in Oil and Gas Development.

**COMPRESSOR** – A device that raises the pressure of natural gas and/or by-products. Compressors are any devices that create a pressure differential to move or compress vapor or a gas. Any such device used alone or in series to adequately move a vapor or a gas is considered a compressor.

**COMPRESSOR STATION**– A facility designed and constructed to compress natural gas that originates from a single Well Site or a collection of Well Sites and to remove water or water vapor from the natural gas, which operates as a midstream facility for delivery of gas to a transmission pipeline, distribution

pipeline, processing plant or underground storage field, including one (1) or more natural gas, electric compressors, associated buildings, pipes (other than regulated or unregulated local distribution system, gathering system or transportation lines served by the compressor station), valves, tanks and other equipment.

**CONVENTIONAL WELL** – A conventional gas well, also known as a traditional well, is a well that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below the Elk Sandstone. While a limited number of such gas wells are capable of producing sufficient quantities of gas without stimulation by hydraulic fracturing, most conventional wells require this stimulation technique due to the reservoir characteristics in Pennsylvania. Stimulation of conventional wells, however, generally does not require the volume of fluids typically required for unconventional wells.

**DEP** – The Pennsylvania Department of Environmental Protection (“DEP”), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

**DRILLING** – Any digging or boring activity of a new well or re-working of an existing well to explore, develop or produce oil, gas or other hydrocarbons or to inject gas, water or any other fluids or substances into the earth.

**EXPLORATION** – Temporary geologic or geophysical activities such as drilling in context with the zoning definition in this Ordinance, including seismic surveys related to the search for natural gas or other subsurface hydrocarbons.

**EXTRACTION** - The act or process of separating, obtaining or removing a substance, such as a mineral, including but not limited to coal, sulfur, petroleum, oil and/or gas, and including Oil and Gas Development.

**FLOWBACK** – The process of flowing a completed/fractured well for the purposes of recovering water and residual sand from the gas stream prior to sending gas down a sales line.

**FRESHWATER** – Any water obtained from a Water Purveyor or portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Freshwater does not include exploration and production fluids such as produced water, flowback fluids, or re-use water.

**HYDRAULIC FRACTURING** - The process of injecting water, customized fluids, sand, steam, gas or other agents into a gas well under pressure to improve gas recovery.

**IMPOUNDMENT** – A facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials although it may be lined with synthetic materials, and which is designed to hold an accumulation of liquid wastes or wastes containing free liquids. The term includes holding, storage, settling and aeration pits, ponds and lagoons. The term does not include injection wells.

**MINERAL EXTRACTION** – Any extraction of any mineral for sale or other commercial purpose that involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term “mineral” includes, but is not limited to, anthracite and bituminous coal, lignite, including mining activities carried out beneath the surface of the

earth by means of shafts, tunnels, other underground mine openings, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources.

**NATURAL GAS LIQUIDS (NGL)** – Components of natural gas that are liquid at the surface of in-field facilities or in Processing Plants. Natural gas liquids can be classified according to their vapor pressures as low (condensate), intermediate (natural gasoline) and high (liquefied petroleum gas) vapor pressure. Natural gas liquids include ethane, propane, butane, pentane, hexane and heptanes. The term is commonly abbreviated as NGL.

**OIL AND GAS** – Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other liquid hydrocarbons, constituents or similar substances that are produced by drilling an oil or gas well.

**OIL AND GAS PIPELINES** – All parts of those physical facilities regulated by Federal, State or Local agencies such as PHMSA, the Pennsylvania Department of Environmental Protection and/or the Federal Energy Regulatory Commission through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

**OIL AND GAS DEVELOPMENT** – The well site preparation, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment located on the same parcel as a well site; and the installment and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary. This also includes the site preparation, construction, installment, maintenance and repair of other equipment and activities associated with the exploration for and production of oil and gas. This does not include oil and gas pipelines, compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities that are only authorized consistent with the Township Zoning Ordinance as a conditional use.

**OPERATOR**– Any person, partnership, company, corporation, and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, developing or transporting Oil or Gas.

**PHMSA** – Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation that regulates the design and installation of pipelines.

**PIPELINE** - All parts of those physical facilities through which gas, hazardous liquids, fresh water, salt water, or chemicals move in transportation, including but not limited to, pipe, valves and other appurtenance attached to pipe, whether or not laid in public or private easement or public or private right-of-way within the Township, including, but not limited to, gathering lines, production lines, and transmission lines.

**PROCESSING PLANT** - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil, or naturally occurring liquids from the natural gas, including dew point control facilities. When

used in this ordinance, the term shall include any similar facilities performing the equivalent or similar functions.

**PROTECTED STRUCTURE** – Any residential subdivision plan consisting of five or more houses that adjoins a Well Site and any hospital, school, cemetery, religious institution, public park, public playground or other public building located within 1,500 feet of an Oil and Gas Development site.

**PUBLIC UTILITY INSTALLATION/SUBSTATION(S)** – Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential services, as defined herein, other than the general transmission distribution system provided by public utilities, regulated by Public Utilities Commission (PUC) that is used to power, provide transmission lines, switching facilities or similar facilities to any oil and gas drilling, development or related activities.

**RELATED OPERATIONS** –The activities and operations that are ancillary to oil and gas drilling, such as Processing Plants, Compressor Stations, Certified Water Storage (Small, Medium, Large and MLVTs), Temporary Work and Bunk Trailers, Storage Depots, Traffic Control Sites and Truck Staging Areas.

**RE-ENTRY DRILLING** - The addition of wells at a Township-approved well site after the previously approved Oil and Gas Development was completed and the site was reclaimed.

**RE-ENTRY RELATED OPERATIONS** - The conduct of any Related Operations at a Township-approved site that were not included in a previous approval (permitted or conditional).

**RESIDUAL WASTE** – Residual waste is nonhazardous industrial waste. It includes waste material (solid, liquid or gas), impaired fluids and flowback produced by industrial, mining and agricultural operations. It excludes certain coal mining wastes and wastes from normal farming activities.

**RE-USE WATER** – Any water that has been used for drilling or completing an unconventional well.

**STORAGE DEPOT** – A permanent off-street facility designed as a point for collection and/or storage of materials, supplies, equipment, and/or other solid by-products from Oil and Gas Development.

**TRAFFIC CONTROL SITES** – An area used as a stopping place or assembly point designed to accommodate trucks during their course of travel to an Oil and Gas Development and intended to be used for 4 months or fewer during a 12 month period. This definition does not include the transfer of loads to, from or between trucks.

**TRUCK STAGING AREA** – An off-street facility used for the transfer of loads to, from or between trucks for Oil and Gas Development or a Traffic Control Site intended to be used for more than 4 months out of a 12 month period pursuant to stand-alone agreement with the property owner.

**UNCONVENTIONAL WELL** – An unconventional gas well is a well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing. (Ex: Marcellus, Utica, Mandata, Huron, Rhinestreet, and Upper Devonian)



WATER PURVEYOR - The owner or operator of a public water system as defined in section 3 of the act of May 1, 1984 (P.L. 206, No. 43), known as the Pennsylvania Safe Drinking Water Act, or any person subject to the act of June 24, 1939 (P.L. 842, No. 365),<sup>2</sup> referred to as the Water Rights Law.

WELL SITE – The area of surface operations surrounding the surface location of a well or wells. The site can include facilities, structures, materials, water containment devices and equipment whether permanent or temporary, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. Such area shall not include an access road to the Well Site.

**§ 1202: OTHER DEFINITIONS**

AGRICULTURAL PRODUCTION – Any farming related activity, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting.)

AGRICULTURAL PROCESSING – A facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use.

AUTOMOBILE SERVICES (INCLUDING SALES, SERVICE, AND FUEL STATIONS) – Any building or land devoted to the retail sales of motor vehicles or fuel, including accessory service and repair facilities, if such service and repair are conducted within a completely-enclosed building and/or the retail repair, servicing, maintenance and reconstruction of motor vehicles, but not including car washes per se and/or a use whereby motor vehicles are stored awaiting transport to a different location.

ALL OTHER USES – any land use not specified in the District Designations Table of this Chapter.

ADULT ORIENTED ESTABLISHMENT – A business or club which engages in one (1) or more of the following areas of sales, services or entertainment. These uses are only permitted in the Industrial Zone by conditional use, subject to the standards of this Ordinance.

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of, a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult Body Painting, Tattoo and Body Piercing Parlor: Any establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.
3. Adult Videostore/Bookstore: Any establishment which has a substantial or significant portion of its stock in trade:
  - a) Books, films, videos, magazines or other periodicals, or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;

- b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active status in good standing of the American Massage Therapy Association. This definition shall not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
6. Adult Motion Picture Theater: An enclosed or unenclosed building used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with accommodations for less than an overnight stay.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated, or electronically or mechanically controlled, still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

11. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
12. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, as defined in Section 112.C.1., licensed by the Commonwealth, to engage in sexual therapy.
13. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
14. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

**BED AND BREAKFAST** – A business which occupies a single-family dwelling where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual sleeping rooms which do not contain cooking facilities.

**CARE FACILITY (SENIOR/CARE LIVING)** – A multi-family facility for health care and/or the transitional residency of senior and/or persons in need of such health care, providing for a progression of residential living types such as from independent living in single-family units to assisted and/or congregate living and culminating in a full health and continuing care nursing home facility where any portion of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities of daily living. A care facility/senior living center may include a licensed adult day care program; such facility shall comply with all applicable federal, state and local laws, ordinances and regulations relating to housing for the elderly. This term shall not include a group facility.

**CEMETERY** - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

**COMMERCIAL RECREATION** – combination of recreation-related services and/or activities, including but not limited to a restaurant, entertainment, campground area, storage and outfitter operations geared toward recreation customer use and attraction.

**COMMERCIAL SCHOOL** – A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the public school district. Examples include, but are not limited to, ballet, karate, painting, photography, computer training, and dance schools.

**COMMUNICATION TOWER** – A structure other than a building such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

**CONVENIENCE STORE** – A small store, selling a limited variety of food and nonfood products, including prepared food but with limited or no patron seating, typically with extended hours of operation, which may also sell gasoline or other motor vehicle fuels.

**CULTURAL OR CIVIC INSTITUTION** – An area developed or to be developed that may contain one of the following public buildings or uses, including offices, libraries, playgrounds, parks, assembly halls, police stations, or fire stations.

**DAY CARE CENTER (YOUTH)** – a business establishment that is licensed by the Pennsylvania Department of Welfare as a “day care center” where care is provided for twelve (12) or more children under sixteen (16) years of age for less than twenty-four (24) hours per day.

**DAY CARE CENTER (ADULT)**– any premises, that is licensed by Pennsylvania Department of Welfare as a “day care center” where care is provided for any number of adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24) hour day.

**DAY CARE HOME** – A day-care facility that is operated as an accessory use to a single-family dwelling, that is registered by the Commonwealth of Pennsylvania, and offers care and supervision to no more than four (4) persons during any calendar day.

**EMERGENCY SERVICES** - An institution or organization providing medical services for emergency related events for the general public.

**ESSENTIAL SERVICES** - The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication towers shall not be considered essential services for the purposes of this Ordinance.

**FENCE/WALL/BARRIER, CLOSED** – A fence that provides a minimum level of transparency and lacks significant void spaces in the vertical surface.

**FENCE/WALL/BARRIER, OPEN** – A fence that provides at least sixty (60) percent transparency through the void of space.

**FENCE/WALL/BARRIER, ORNAMENTAL** – A fence used to beautify or to enrich or improve the

appearance of a property and/or a structure.

**FINANCIAL INSTITUTION** - Any establishment, excluding a licensed banking, where the principal business is the receipt, disbursement, or exchange of funds and currencies such as savings, loans, credit unions or check cashing establishments.

**FORESTRY** - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes which does not involve any land development.

**FUNERAL HOME** - A use which prepares the remains of deceased humans for burial and cremation. This use may also conduct funeral services.

**GOVERNMENT OPERATIONS** - A facility owned, operated, or controlled by a governmental agency (Federal, State, or local, including a corporation created by law for the performance of certain specialized governmental functions.)

**GROUP FACILITY (YOUTH/ADULT)** – A facility licensed and/or approved by the Pennsylvania Department of Public Welfare that provides shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

**GROUP HOME** – A facility licensed by the Pennsylvania Department of Public Welfare which houses six (6) to nine (9) residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental disability, autism, cerebral palsy, epilepsy or other similar conditions).

**HOME BASED BUSINESS, NO IMPACT** – A business administered or conducted clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to parking, signs or lights.
- E. No on-site parking of commercially identified vehicles shall be permitted.

- F. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- G. The business activity may not generate any solid waste or sewage discharge, in volumes or type, which is not normally associated with residential use in the neighborhood.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- I. The business may not involve any illegal activity.

HOME OCCUPATION, LOW IMPACT - A business or commercial activity carried on entirely within a building whose principal use is a single family dwelling whose impacts exceed those of a no-impact home-based business. The business or commercial activity must satisfy the requirements of the identified provisions of this Ordinance.

INDOOR RECREATION FACILITY – A type of recreational use that is used principally for indoor active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses.

INDUSTRY – CRAFT – A lot or portion of a lot used by a craftsman, general contractor or builder where equipment and materials are stored or where a contractor performs craft, shop or assembly work but does not include a construction site or any establishment otherwise defined or classified herein.

INDUSTRY – GENERAL – A business establishment that produces finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

INDUSTRY – OUTDOOR – A business establishment that produces finished products or parts, predominantly from excavated natural materials, such as aggregate mining or lumbering. Examples of such uses include a Maintenance/Storage/Service Yard or a Lumber Yard.

MIXED USE – A lot or building on or in which various land uses, such as office, commercial, institutional and/or residential are combined with varying non-residential uses.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MULTI-FAMILY DWELLING – DUPLEX – A building containing only two (2) dwelling units, each of which are entirely separated from the other by a continuous, common wall extending from the basement to the roof with each dwelling unit having independent access directly to the outside.

MULTI-FAMILY DWELLING – TOWNHOUSE – A building which contains at least three (3) but no more than eight (8) dwelling units, each of which are separated from the adjoining unit or units by a continuous, common wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

MULTI-FAMILY DWELLING – APARTMENT BUILDING – A suite of rooms or a single room in a building containing three (3) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside.

NON-COMMERCIAL RECREATION FACILITY – Either a privately owned or not-for-profit business establishment generally intended for use by all ages that provides recreation or entertainment including but not limited to *swimming pools*, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

OFFICE – A business establishment that serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of recognized professionals such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institution.; or an office of a governmental agency, social service organization, notary, public or private utility, political organization or the like not including a municipal facility.

OUTDOOR PARK – An open outdoor space with natural vegetation and landscaping and for active or passive use and may include recreational facilities.

PARKING, PRIVATE – an open-air private area utilized to meet the parking requirements of this ordinance, including the parking aisles that provide access to parking spaces, but not including any streets or driveways that provide access to the parking lot.

PHARMACY – A retail store which primarily sells prescription drugs, patent medicines and legal surgical, medicinal and sickroom supplies. A pharmacy may be within a retail establishment.

PLACE OF ASSEMBLY – A building and/or lot that is designed for the assembly or collection of persons, for civic, political, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a private club.

PLACE OF WORSHIP – A building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

POST OFFICE – a building owned and/or occupied by the Postal Service of the United States of America for the purpose of collecting and/or distributing mail to the public.

RETAIL, LARGE SCALE – Any business establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for

immediate purchase and removal, but not including the manufacturing or processing of any products with a gross floor area equal to or more than five thousand (5,000) square feet.

**RETAIL SALE OF ALCOHOLIC BEVERAGES** – a business establishment, including a beer distributor or bottle shop, licensed by the Pennsylvania Liquor Control Board and whose principal business is the retail sale of soft drinks, beer and alcohol beverages in sealed containers and not for consumption on the premises.

**RETAIL, SMALL SCALE** – Any business establishment not otherwise specifically defined in this Article that sells or rents commodities and/or services on the premises directly to the general public, available for immediate purchase and removal, but not including the manufacturing or processing of any products with a gross floor area less than five thousand (5,000) square feet. This use may not include wholesaling, manufacturing or processing of goods.

**SHOOTING RANGE, OUTDOOR** – An outdoor area specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

**SINGLE FAMILY DWELLING** – A dwelling unit and lot designed and intended to be occupied by one (1) family that is not attached to another dwelling unit.

**SOCIAL CLUB/HALL** – An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related uses, as defined herein.

**STRUCTURAL MATERIAL** – The material whose primary function is the structural support of a fence, wall, or barrier.

**STUDIO** – a business establishment used by an artist, photographer, or artisan or used for radio or television broadcasting.

**TRANSPARENCY** – The degree to which an object is able to be seen through. Something with high transparency would be a glass window, which allows one to see through it. Something with low transparency would be a concrete wall, which does not allow one to see through it.

**VOID SPACE** – An open area of air, clear of solid, opaque materials that would obscures one's view beyond; often the area is between one picket, rail, post, and/or another on a fence, wall, and/or barrier.

**WAREHOUSE** – A building or structure used for the storage and handling of goods, materials, freight, or merchandise awaiting sale on another lot or location, but not including the maintenance or fueling of commercial vehicles. Warehousing which is incidental to retail sales and which does not constitute in excess of thirty (30) percent of the total floor area of the retail establishment shall be excluded from this definition. Incidental sales may occur on the lot.

**WINDSCREEN** – An opaque, transparent, or somewhat transparent poly-mesh fabric material affixed onto a fence, wall, or barrier to reduce wind flow, create a visual barrier, or serve an informational or



aesthetic function.

WHOLESALE – A business establishment primarily engaged in selling merchandise, dry goods, and food stuffs to retailers, institutional, commercial or professional business customers or other wholesalers, not to the general public. The activities may include the merchandise warehousing and distribution.