

DONEGAL TOWNSHIP
DRAFT ZONING ORDINANCE
7/29/16

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 (MPC).

§103: General Purpose

- A. This Ordinance is made with consideration for Donegal Township’s character as identified as part of the community’s comprehensive planning process, 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, general welfare, coordinated and practical community development, 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 for development and conservation that is compatible with the character of development or authorized principal 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 addressing public health, safety, 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 to structures, lots, and uses constructed after the date of this Ordinance. If a structure, lot and/or use is already established prior to the adopted date of this Zoning Ordinance, and the structure, lot and use abides by

provisions of this Chapter, it is conforming. If a structure, lot and/or use is already established prior to the adopted date of this Zoning Ordinance, and the structure, lot or use does not abide by the provisions of this Chapter, it is lawfully non-conforming, commonly referred to as "grandfathered." Said grandfathered structure, lot or use may continue even under a new owner since it is the status of the land and not ownership which controls. Provisions associated with non-conforming uses, structures, and lots shall be in accordance with Article VII. Temporary Uses are regulated by §903 regarding applicable Township permitting requirements are found on file at the Township Administrative Office.

§106: Repealer

- A. Nothing in this Ordinance is construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.
- B. In accordance with the information resented on the Signature Page of this Zoning Ordinance, for the purposes of any proposed development or zoning-related application or activity within Donegal Township occurring on or following the date of adoption of this document, this Zoning Ordinance shall be in effect. All other previous related ordinance provisions within the Township Code that conflict with this Ordinance shall be considered repealed.

§107: 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.

ARTICLE II: Form & Function

§201. Ordinance Overview.

- A. The Zoning Ordinance of Donegal Township presents a 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 property 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 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. Zone 1. The Zone 1 district is characterized by large lots primarily dedicated to rural residential living, nature-based recreation, agriculturally oriented activities and/or oil and gas-related activities.
- B. Zone 2. The Zone 2 district is generally characterized by agriculturally oriented activities and oil and gas-related activities.
- C. Zone 3. The Zone 3 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.
- D. Zone 4. The Zone 4 is intended to permit a broad range of commercial and industrial development serving the citizens of Donegal Township and the greater Washington County area.
- E. Infrastructure Service Overlay. The purpose of this overlay is to ensure the coordination of future development and densities within the Township in context of future infrastructure service areas and/or expansion.
- 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	Zone 1	Zone 2	Zone 3	Zone 4
1 Agricultural Production	p	p	p	p
2 Agricultural Processing	p	p		p
3 Automobile Services (Including Sales, Service, and Fuel Stations)	p		p	p
4 All Other Uses				c
5 Adult Oriented Establishment				c
6 Bed and Breakfast	c		c	p
7 Care Facility - Senior/Care Living	c		c	p
8 Cemetery/Mausoleum	p		c	p
9 Certified Temporary Water Facility	p	p		p
10 Certified Water Storage Facility and MLVTs	c	c		p
11 Commercial Recreation	c	c	c	c
12 Communication Tower	c	c	c	c
13 Compressor Station	c	c		c
14 Convenience Store			p	p
15 Cultural or Civic Institution (Including Indoor Recreation Facility/Library/School/Academy)	p		p	p
16 Day Care Center (Youth/Adult)	c		c	p
17 Day Care Home	c		p	p
18 Deep Injection Wells (Class II Wells)		c		c
19 Emergency Services	p	p	p	p
20 Essential Services (Including Public Utility Facility and Communication Antennae)	p	p	p	p
21 Financial Institution			p	p
22 Food Services (Including Restaurant, Bar, Tavern, Pub)	p		p	p
23 Forestry*	p	p	p	p
24 Funeral Home			c	c
25 Government Operations (Including local, state and/or federal)	p	p	p	p

Table 1: Principal Land Uses *Continued*.

Principal Land Uses	Zone 1	Zone 2	Zone 3	Zone 4
26 Group Facility (Youth/Adult)/ Group Home				c
27 Home Occupation, Low Impact	p	p	c	p
28 Impoundments (Fresh and/or residual)		c		c
29 Indoor Recreation Facility	p		p	p
30 Industry - Craft	p	p		p
31 Industry - General	c	c		p
32 Industry - Outdoor (Including Maintenance/Storage/Service Yard and Lumber Yard)	c	c		p
33 Mixed Use	p		p	p
34 Mobile Home Park	c			
35 Multi-Family Dwelling - Duplex	p		p	
36 Multi-Family Dwelling - Townhouse	p		p	c
37 Multi-Family Dwelling - Apartment Building	c		p	c
37 Office (Including Business, Professional, Medical)	P		p	p
38 Office (Including Veterinary)	p	p	p	p
39 Oil and Gas Development (Oil and Gas Well/Drilling)	c	c		c
40 Oil and Gas Pipelines	p	p	p	p
41 Public Park, Public Open Space and/or Non-Commercial Recreation Facility	p	p	p	p
42 Personal Services (Spa/Salon, barber, etc.)	p		p	p
43 Place of Assembly/Worship	c		c	p
44 Public Utility Installation/Substation		c		c
45 Re-Entry Drilling	c	p		p
46 Re-Entry Related Operations	c	c		c
47 Retail	p		p	p
48 Shooting Range, Outdoor	c	C		C
49 Single Family Dwelling	p	c	p	p
50 Social Club/Hall			c	p
51 Storage Depot(s) and Truck Staging Area(s)	c	c		p
52 Studio	p		p	p
53 Traffic Control Sites	p	p		p
54 Warehouse	p			p
55 Wholesale	p		c	p

S204. Table 2. Dimensional Criteria.

Zone 3 Zone 4 Zone 1 Zone 2

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

Notes:

1. * As measured from the right-of-way
2. No minimum lot size is applicable to lots within the infrastructure service area unless required by Conditional Use provisions of this Chapter.

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 MPC.
- 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. Illumination, when measured at a lot line, must be zero (0) footcandles. Oil and gas development shall not exceed two (2) foot candles as measured from any lot line.
 - 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. 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 Planning Commission review and recommendations followed by Board of Supervisor review and approval 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 this Ordinance.
 - 2. 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.

3. Upon Township Board of Supervisors designating a Conditional Use, any prior Conditional Use for the same tract of land becomes null and void.
 4. 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, 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 based upon public hearing findings and/or Township Planning Commission recommendation in order to protect the public's health, safety, and welfare.

§302. Specific Criteria for Conditional Uses.

In addition to the general standards and criteria listed above for conditional uses identified in Table 1, an application for any of the following uses shall comply with the following applicable standards and criteria.

RESIDENTIAL LAND USES

CARE FACILITY - SENIOR/CARE LIVING

- A. A useable open space area a minimum of one hundred (100) square feet per bed shall be provided exclusive of the front yard setback and parking area.
- BC. 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.

MOBILE HOME PARK

- A. See Chapter 110 Subdivision and Land Development Article VI. Mobile Home Park Development of the Township Code of Ordinances.

SINGLE FAMILY DWELLING

- A. In the construction of a new principal structure on the lot, it shall be located a minimum of one thousand five hundred (1,500) feet from any oil and gas development or any other associated supporting oil and gas operations.

MULTI-FAMILY DWELLING - TOWNHOUSE

- A. Parking shall be provided on the same lot upon which the dwelling is located.
- B. Parking shall not be located between the front façade of the building and the right-of-way.

NON-RESIDENTIAL LAND USES

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

- A. All vehicles awaiting repair shall be stored on site and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.
- B. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street.
- C. All lighting shall be shielded and reflected away from adjacent lots, streets, and roadways.
- D. Township Code requirements associated with junkyards and associated activities shall apply.

ALL OTHER USES

- A. A non-residential use not expressly identified in Table 1 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 surrounding development 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 - See ALSO Township Code Chapter 5 Adult Uses.

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~~ one thousand (1,000) 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. _____ regarding licensure. 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.

CEMETERY/MAUSOLEUM

- A. The developer shall provide a statement of guaranteed perpetual maintenance before approval is given.
- B. No burial sites shall be within fifty (50) feet of any lot line or one hundred (100) feet of a street right-of-way.
- C. 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 (MLVT))

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 2 acres to be designated on the site plan for said use.
- B. Design Criteria. Operations Outside of Township.
 - 1. Any Certified Water Storage Facility servicing Oil and Gas Development and/or Related Operations outside of the Township shall require site specific (name of unit/project outside of Township) conditional use approval. Approval shall automatically expire twelve (12) months from the date said water facility is installed unless extension is given by the Board.
 - 2. Use of Certified Water Storage Facilities servicing Oil and Gas Development and/or Related Operations outside of the Township may only be installed on property that borders a state roadway within the Township.
- C. Design Criteria.
 - 1. The Applicant for a Certified Water Storage Facility shall provide:
 - a. Proof of certification by the manufacturer and/or appropriate independent testing organization; and
 - b. If applicable, copies of any required Re-use Tank Permit WMGR 123-Solid Waste Permits, etc. from the appropriate state, federal or independent certifying agency 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 or engineered fill certified by a registered professional geotechnical engineer per the recommendations of the geotechnical report for the site.
- c. If applicable, copies of any required Re-use Tank Permit WMGR 123 Solid Waste Permits, etc. from the appropriate state, federal or independent certifying agency prior to the operation of the 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.
3. 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.
4. 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.
5. Setbacks. Certified Water Storage (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.
6. 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.
7. Notice. At least seven (7) days prior to a new oil and gas well site being serviced by a standalone Certified Water Storage (or MLVT), Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.
8. Surface. The surface of the Certified Water Storage (or MLVT) shall be constructed and designed in a manner that would reasonably minimize water runoff in the event of a major leak.
9. Signage, Tank Identification. Signs must be posted at the site of any Certified Water Storage (or MLVT) to indicate the contents of the water storage facilities.
10. 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 twelve (12) hours after the

incident occurred or, if the incident is ongoing, no later than twelve (12) hours after it began.

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

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.

1. All Towers.

- a. 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. 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.
- 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. 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.
- d. 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).
- e. 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.
- f. 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.
- g. 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.

- h. 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.
- i. 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.
- j. 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.

COMPRESSOR STATIONS & PROCESSING PLANTS

- 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 can be combined to meet the minimum acreage. At least 80% of the surface area of the Processing Plant building (based upon square footage) must be located in the districts in which it is permitted.
 - 2. The minimum lot size for a compressor station shall be 10 acres.
- C. Setbacks.
 - 1. The edge of the main operation facility that houses the compressor engines must be at least 500 feet from an occupied structure.
 - 2. Protected Structures. 1,000 feet from the edge of the facility's developed area (this shall be the main fence line of the site and shall not include the green space used for stormwater management or the toe of the slope for any grading) to the nearest existing protected structure.

3. Additional Setbacks. All aboveground equipment including compressor engines and any structure in which the compressors are enclosed must be set back a minimum of 200 feet from any adjacent property lines.
 4. Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provides written consent to the proposed use.
- D. Screening.
1. Compressor station sites shall have a landscaped buffer area placed strategically around the perimeter of the site to screen the location from other properties to be determined on a site specific basis.
 2. Operations will be subject to the applicable standards of the Zoning District the proposed use is located in.
- E. Design Standards.
1. Applicable equipment must have remote/local shutdowns. 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. No equipment or surplus materials shall be stored on the facility. This includes the removal of idle equipment unnecessary for the operation of such facility.
- F. Building Approval. See Township Building Code (#_____).
- G. Environmental Study. Operator/Applicant shall provide Township with a copy of the study results conducted in association with any State or Federal permits.
- H. Spill Containment.
1. A spill containment plan shall be provided to the Township's first responders by Operator/Applicant if required in association with any State or Federal permits.
- 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. 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.
- C. Safe vehicular access and areas for discharging and picking up children shall be provided.

DEEP INJECTION WELLS (CLASS 2)

- A. The minimum lot size for a Deep Injection Well shall be 20 acres. Contiguous properties in other zoning districts can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other and the injection well site is physically located in the permissible district. Any property line setbacks shall be measured from the exterior boundary lines of the combined parcel area.

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.

GROUP FACILITY (YOUTH/ADULT)/GROUP HOME

- 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 every resident over ten (10).

HOME OCCUPATION, LOW IMPACT

- A. The home occupation shall be carried on wholly within the principal or accessory structures.
- B. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the District in which it exists.
- C. 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.
- D. 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.

IMPOUNDMENT

- A. Minimum Lot Size.
 - 1. The minimum lot size for a standalone Impoundment operation shall be 5 acres and 2 acres for an impoundment used as an accessory use to an Oil and Gas Development.
- B. Certification and Permits.
 - 1. The Applicant for an Impoundment shall provide:
 - a. Proof of certification by the relevant nationally-recognized laboratory or organization; and
 - b. Water impoundments shall be constructed in compliance with all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP)

- c. A copy of any required Permits from the DEP prior to the impoundment operations occurring.
- 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. Security. Chain-link fencing must be installed around any impoundment and shall be at least eight (8') feet in height.
- E. Setbacks. In addition to the DEP's setbacks regulations:
 - 1. Impoundment must be 500 feet measured horizontally from an occupied dwelling to the edge of the Impoundment structure, unless the owner thereof has provided a written waiver consenting to the impoundment being closer than 500 feet.
 - 2. 1,000 feet from a Protected Structure for fresh water impoundments
 - 3. 1,500 feet from a Protected Structure for waste water/re use fluid impoundments
 - 4. Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provides written consent to the proposed use.
- F. Access Road. All access roads to an impoundment site must:
 - 1. Access road must be designed to accommodate all vehicle truck traffic servicing the site without using any public roadways for idling vehicles waiting to access the impoundment site.
 - 2. Appropriate signage and idling restriction measures must be in place to comply with Pennsylvania's Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008)
- G. Buffers and Noise. The Impoundment must be constructed in a manner to reduce truck traffic noise. The appropriate sound barriers shall be installed at the discretion of the Township.
- H. Notice. At least seven (7) days prior to a new oil and gas well site being serviced by a standalone Impoundment, Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.
- I. Surface. The surface area immediately surrounding the Impoundment shall be constructed and designed in a manner that would reasonably minimize water/liquid runoff in the event of a major leak.
- J. Signage, Identification. Signs must be posted at the site of any Impoundment to indicate the contents of the water/liquid being stored on site.
- K. Testing and Spill Containment.
 - 1. A spill containment plan shall be provided.
 - 2. Testing of the Impoundment must occur every four (4) months with results provided to the Township
- L. Reclamation procedure. To the best of the Operator/Applicants knowledge, the Operator or Applicant shall provide the time frame for site restoration.

OIL AND GAS DEVELOPMENT, OIL and GAS WELL/DRILLING.

- 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. Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provides written consent to the proposed use.
- D. 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. Waiver. Applicant may obtain a release waiver of the applicable noise requirements from the owners of the impacted property.
- E. 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.
- 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 and MLVT shall be placed on the site, it shall be subject to the provisions contained hereinafter of the Township Code. 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 Township permit fees.

- N. Pipeline Information. Any oil or gas pipelines running from the well site shall be subject to the provisions contained hereinafter.

- 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.

PLACE OF ASSEMBLY/WORSHIP

- A. 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 surrounding development.
- B. A place of assembly/worship shall provide a parking plan to demonstrate in what way(s) parking will be accommodated for the use.

PUBLIC UTILITY INSTALLATION/SUBSTATION

- A. 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 Zone 3, the storage area shall be screened by 100% opaque screening material placed in the fencing or by a compact evergreen hedge.
- C. The facility must be buffered according to the applicable provisions of the Township zoning code in which the facility is located.

RE-ENTRY DRILLING

- A. Notice. The Operator shall provide the following notice of Re-Entry Drilling at least 30 days prior to initiating operations at the well site:
 - 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 Drilling.
 - 6. Confirmation that Operator is not in breach of current Conditional Use approval.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

RE-ENTRY RELATED OPERATIONS

- A. Application. Any changes to the information contained in the initial conditional use application shall be provided along with 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).

SHOOTING RANGE, OUTDOOR

- A. Any building, grounds and method of operation shall conform to any applicable Federal, and State standards for operation of an outdoor shooting range including requirements for safety, noise abatement, lead and other waste management.
- B. The design and construction of the range shall completely confine all projectiles and ammunition rounds within the site and in a controlled manner. Setbacks of activity from lot lines shall be demonstrated and approved based upon dimensions and/or topographic characteristics of the lot so that said setbacks demonstrate adjacent lots are safe from ammunition exceeding/crossing the confines of the lot.
- C. The design and construction of the range shall be certified by a landscape architect, an architect or engineer registered in the State of Pennsylvania.
 - 1. The certified plans shall include the specification and construction of the bullet trap(s), archery areas, backstops, storage buildings and other amenities.
 - 2. If applicable, the certified plans shall state what type and caliber of ammunition the shooting range is designed to totally confine.

3. A security plan for site, any buildings and/or storage areas shall be submitted which secures the range against unauthorized entrants.
- D. No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range.
- E. On-site supervision shall be supplied at all times by an adult who is an experienced range operator. The range operator shall be responsible for the conduct of patrons, safety, and order at his or her place of business.
- F. Each range shall have a clear and concise safety plan available to all range users.
- G. The applicant shall have the burden to demonstrate that the range is designed to promote the safety of all persons on the premises or on abutting property when the range is being used. The applicant may meet its burden by showing compliance with applicable National Rifle Association or other generally recognized guidelines for range design and safety or by submitting evidence from persons with experience and expertise in range design and safety.

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)

- 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 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 1,000 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, 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.
- F. Operator must reclaim the site in accordance with State and Federal law.
- G. No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.
- H. 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.

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 as outlined by the Commonwealth of Pennsylvania, including but not limited to the MPC.
- 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. Vibrations. Except temporary vibration resulting from construction activity, vibrations detectable without instruments on any adjacent lot in any Zone will be prohibited.

PUT BACK IN - EXCLUDING THE NORMAL CIRCUMSTANCES OF AGRICULTURE§ 502. Supplementary Regulations.

A. 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.

- B. Temporary Construction Trailers or Sheds (other than provided for and subject to specific regulations as related to oil and gas operations). Temporary construction trailers or sheds are permitted in all Zones.
- C. 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.
- D. More than one dwelling unit may be permitted on a lot.
- E. 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.
- F. 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. 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.

2. 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.
3. 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.
4. Businesses shall be encouraged to share dumpsters.

G. Outdoor Storage.

1. The Township aims to provide a safe and healthy environment to its residents and businesses. See Also Township Code of Ordinances.
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. Accumulation of water causing mosquito or other vector breeding or proliferation;
 - c. Rodent or insect infestation.
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.
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.

H. 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.

I. 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.

J. Oil and Gas Pipelines and Temporary Water Lines

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.

- d. Location of any pressure relief devices
- e. GIS Drawings
- f. Statement concerning method of operation

Q. Bufferyards

1. In the case where a lot in a Non-residential District lot is adjacent to any lot in the Village and/or Agriculture District:

- 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: K. Fences, Walls, and Barriers

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 exception of the following:Fences/walls/barriers used for agricultural purposes shall have no maximum height limit so as constructed in accordance with the Township Building Code.Fencing, walls and barriers associated with oil and gas-related development shall be approved based upon the Applicant demonstrating its necessity to ensuring public health, safety and welfare. 1. 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.

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 to 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. 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:

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 on, attached to, or supported by a tree or other living objects.
- c. 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.

d. 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.

e. Obstructs free ingress to or egress from a fire escape, door, window or other required exit way.

f. Blocks doors, fire escapes, operable windows or access to them; nor can a sign be attached to a fire escape.

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.

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 permitted methods of direct lighting.

E. Failure to comply with these sign maintenance requirements constitutes a violation of the Zoning Ordinance of Donegal Township.

F. Removal of Signs.

1.1. 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.

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 continued 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 one hundred percent (100%) 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 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 MPC §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 Planning Commission:

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. See the Pennsylvania MPC.

§1003. Procedure for Township Curative Amendments.

- A. See the Pennsylvania MPC.

§1004. Content of Public Notice.

- A. See the Pennsylvania MPC.

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 Zoning Hearing Board 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 municipal zoning and Township ordinances.
 - 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, filling 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 and follow the associated procedures as defined by the MPC.

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.

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 - 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 fresh water and/or re-use water for use in Oil and Gas Development and Related Operations.

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.

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.

DEEP INJECTION WELL (CLASS II WELL). Wells used to inject fluids associated with the production of oil and natural gas or fluids and compounds used for enhanced hydrocarbon recovery. These wells normally inject below the deepest underground source of drinking water (USDW) except in cases where the USDW contains producible quantities of oil or gas and are defined as Class II Wells by the United States Environmental Protection Agency (EPA)

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.

EDGE OF WELL PAD - The perimeter of the constructed area used for drilling operations as shown on the site plan.

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.

OCCUPIED STRUCTURE - any building, structure, appurtenances to buildings and structures, land, water or air vehicle, or similar place adapted for overnight accommodation of persons, or occupied by persons for the purpose of carrying on business or other activity therein. Proof that said structure is not actually being occupied or used for such purpose is required in order for the structure to not be considered occupied. (Barns and sheds shall not apply)

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, launcher/receiver stations 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 well.

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.

TEMPORARY WATER PIPELINE - A temporary pipeline in place for a period not to exceed 12 months, typically located above ground and used to transport water to and from various Oil and Gas development, drilling and related operations.

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),² 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 Principal Land Uses Table of this Chapter.

ADULT ORIENTED ESTABLISHMENT - See the specific terms within Township Code Chapter 5: Adult Uses for all related uses and activities.

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. This shall not be applicable to previously designated family cemeteries accessory to the principal use of a lot or as otherwise controlled by the regulations of the Commonwealth of Pennsylvania.

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 commercial 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 ac- counting, 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 commercial 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.