

the design, erection, and use of buildings thereon in unplanned tracts of land and/or in subdivided land where replanning is deemed necessary so as to constitute appropriate and harmonious physical development and contribute to the soundness of the economic base of the County, and otherwise further the purpose of this Ordinance. The uses permitted in a Planned Residential Development may include those in Use Class 1,2 or 3, and those nonresidential uses deemed to be appropriate for incorporation in the design of the Planned Residential Development.

- (a) In accordance with Pennsylvania Municipalities Planning Code, a municipality may enact ordinances fixing procedures, standards and conditions for "planned residential developments" and such standards may vary the density or intensity of land use including the bulk and location of buildings otherwise applicable to the land under the provisions of this Ordinance.
- (b) The purpose of such variations are, among other considerations: (a) that the demand for housing may be met by greater variety in the type, design and layout of dwellings and (b) to provide flexibility in land use controls so that residential development may be better related to a particular site and the particular demand for housing than may be possible under the provisions of this Ordinance which are primarily structured in respect to individual lot development.
- (c) The modifications of this Ordinance necessary to accomplish a specific "planned residential development", as determined and established by the municipal governing body by Ordinance, shall become an amendment to this Ordinance in respect to the land included within the "planned residential development" upon final approval of the plan or portion thereof in respect thereto by said governing body. The land included in the "planned residential development" shall be identified on the Official Zoning Map and referenced to the Ordinance regulating its development.
- (d) In no event shall the densities set forth in Table 2 herein be exceeded and in no event shall the open-space ratio be less than 0.25.

6.718 Performance Standards.

All proposed uses shall provide documentation, to the satisfaction of the Zoning Officer, that the proposed use will be in conformance with the performance standards listed herein. In the case of a structure being built for future lease, in whole or in part, the Zoning Officer shall waive this documentation for purposes of issuing a building permit, if all other applicable requirements are met, but shall not issue a certificate of zoning ordinance compliance until such time as all requirements, with respect to a particular occupant and/or use, are met. In the event any use fails to meet the performance standards after a certificate of zoning ordinance compliance is issued, the Zoning Officer may, after proper notice, require that the use be terminated within sixty (60) days, unless the use can be corrected to satisfactorily meet the performance standards listed below:

- (a) Smoke, Dust, Dirt and Fly Ash: Shall not exceed the limits set by State and Local Air Pollution Codes.
- (b) Odor: The emission of obnoxious odors of any kind shall not be permitted.
- (c) Gases: No gas shall be emitted which is deleterious to the public health or safety.
- (d) Glare: Arch welding, acetylene torch cutting or similar processes that produce glare shall be performed within an enclosed building or shall be screened from view from any point beyond the property line.
- (e) Vibration: No use shall cause earth vibrations or concussions detectable beyond its property lines, without the aid of instruments, with the exception of that vibration produced as a result of construction activity.
- (f) Fire and Safety Hazard: The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks shall be in accordance with Local and State regulations. The permitted manufacture or storage of explosive or poisonous gases shall be in accordance with Local and State regulations.

The storage, baling or treatment of rags, wastes, scrap paper or similar materials shall be in an enclosed masonry building, no part of which may be located closer than fifty (50) feet from any property line.

(g) Sewage Waste: Liquid wastes and effluents shall be discharged into an approved existing sewage treatment plant in accordance with the regulations of that system or shall be treated in a treatment plant operated by the permitted use which is in compliance with applicable State and Local requirements.

(h) Open Storage:

(1) Other than junk and/or scrap and auto wrecking yards, all open storage shall be located within an area not closer than fifty (50) feet from any street right-of-way line and shall be enclosed with a greenbelt planting strip, or other approved screening, not less than eight (8) feet in width, and not less than (8) feet in height, to normally screen view of stock piles. The storage of lumber, coal or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced and maintained from the street into the property to permit free access of fire trucks at any time.

(2) Junk and/or scrap and auto wrecking yards shall be permitted only when enclosed within a fence not less than six (6) feet in height, not less than fifty (50) feet from any street or right-of-way line, and fronted with an evergreen planting strip to attain not less than eight (8) feet in height to screen yard from outside view.

(i) Noise:

At no point on or beyond the boundary of any lot shall the sound pressure level resulting from any use or activity, whether open or enclosed, (except noise not directly under control of the property user, no noises

resulting from the construction and maintenance of buildings and facilities including site preparation, and the noises of safety signals, warning devices, railroads, the automobile traffic) exceed the minimum permitted decibel levels for the designated octave band as set forth below:

<u>Octave Band, Frequency in Cycles per Second</u>	<u>Sound Pressure Level in Decibels</u>
0-74	73
75-149	68
150-299	60
300-599	53
600-1,199	47
1,200-2,399	41
2,400-4,799	35
4,800-and over	33

- (j) Topography: The topography of any parcel shall remain substantially unaltered by development of any type unless same is approved by the Planning Commission and further approved by the Commission Engineer and in those cases where it has jurisdiction, by the Pennsylvania Department of Environmental Resources.

6.719 Group Home and Resident Facilities for Mentally Retarded.

Group Homes and Resident Facilities for the mentally retarded shall comply with the following in addition to the other relevant regulations contained herein:

- (a) Such facilities shall be licensed by appropriate state and/or local licensing agencies in order to obtain zoning approval.
- (b) In order to prevent the establishment of a de facto social service district in any neighborhood, not more than one (1) such facility may be permitted on a block face nor shall any such facility be permitted to be established within less than five hundred (500) feet of another such facility.

It is noted that "Foster Homes" are considered to be permitted "Home Occupation" uses as per Article 6.702.

6.720 USES FRONTING ON ARTERIAL STREETS OR ABUTTING HIGHWAY INTERCHANGES

Proposed uses fronting on Arterial Streets, located in the vicinity of a grade separated highway interchange, shall be subject to the following regulations:

- (a) Setback. All structures fronting on Arterial Streets or on an Approach Highway leading to a grade separated highway interchange shall be setback not less than 120 feet from the right-of-way line of such street or highway.

- (b) Driveway Access Points. All structures fronting on Arterial Streets or on Approach Highways which lead to a grade separated interchange shall be limited to no more than two driveway access points, except that properties which are less than 200 feet wide shall be limited to only one driveway access point. Such driveway access points shall be designed in a manner which will minimize their interference with any through traffic on the Arterial Street or the Approach Highway. Such driveway access points shall not exceed 25 feet in width at any such point.
- (c) Interchange Ramp Protection. Individual driveway access points and intersection roads on any Approach Highway are prohibited for a distance of 1,000 feet from the end of any interchange ramp which intersects with the Approach Highway.
- (d) Service Roads. The Zoning Hearing Board may require, upon the recommendations of the Commission, the provision of service roads, marginal access roads, rear street alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, or reduce the number of intersections and separate local and through traffic along any Arterial Street or Approach Highway. Where an Arterial Street or an Approach Highway pass through a developed section of the municipality, the Board may determine that the existing conditions in the area and the character of existing development render it impractical for the above regulations to be complied with. In such cases, the Board may make a minimum reduction to these requirements, only to the extent necessary required by existing conditions, and in keeping within the intent and objectives of this section.

6.721 STRIP MINING AND EXCAVATION OPERATIONS

- (a) Location Where Permitted. Strip mining and excavating operations shall be considered a temporary use of land and may be permitted as a Conditional Use in the S District. Such strip mining operations shall be permitted only for limited periods of time, as specified below, subject to appropriate conditions and safeguards.

- (b) Restrictions. All strip mining and excavation operations shall be subject to the following restrictions:
- (1) Backfilling. The grading, backfilling and replacement of all overburden material in a manner which will restore the premises to the same or more suitable and usable grade as existed on the original site is required.
  - (2) Fencing. The Municipality may require that all or portions of striping or excavating operations be enclosed with a fence to ensure the general welfare and public safety.
  - (3) Operation Schedule. Strip mining and excavating operations including drilling and blasting, shall not be carried out on Sunday, and shall not be operated earlier than 7:00 A.M. nor later than 10:00 P.M. during the remainder of the week.
  - (4) Drainage. All such excavations and backfilling operations must be adequately drained to prevent the formation of pools of water.
  - (5) Slopes. The side walls of any excavations which are not completely backfilled shall not have a slope steeper than one foot or vertical distance for each two feet of horizontal distance.
  - (6) Compliance with State Requirements. No permit issued under the provisions of this Ordinance shall become effective until any required license or permit required from the Commonwealth of Pennsylvania be secured.
- (c) Zoning Permits for Strip Mining or Excavation Operations. The Municipality may authorize the Zoning Official to issue a Zoning Permit for a strip mining or excavation operation covering an area not to exceed ten acres. Such a permit shall be valid for a period of one year, unless renewed by the Municipality. The following procedure shall be followed:

- (1) Application to Zoning Inspector. Any applicant for a strip mining or excavation operation shall submit five copies of an application to the Zoning Official for a Zoning Permit for a Conditional Use on a form supplied by the Zoning Officer. Such applications shall include the following:
- (a) A letter of intent describing the area to be stripped and the manner or method of operating, including proposed hours of work, and the proposed plan for backfilling.
  - (b) Two maps or prints of the area to be stripped prepared by the applicant's engineer and approved by his attorney.
  - (c) A Certificate of the applicant's general liability insurance.
  - (d) A copy of the applicant's State strip-mining permit, or the number of such permit if applicant is a sub-contractor.
  - (e) A copy of the lease or permit from the owner or owners of the surface and coal.
  - (f) A statement that a bond, payable to the Municipality, shall be provided in an amount equal to \$7,500 per acre, which will insure replacement of the overburden material and the backfilling or grading of that area to be stripped or excavated.
  - (g) A proposed backfilling agreement to be executed by the applicant insuring the grading, backfilling and leveling of the area to be mined or excavated.
- (2) Review of Application. The Zoning Official will review the application and submit copies to the Municipality and the Planning Commission. Within 30 days of the receipt of the application the Planning Commission shall transmit its recommendations to the Municipality. Such recommendations shall include any conditions and safeguards deemed necessary to insure the public health, safety and general welfare. The Municipality shall meet and review the re-

commendations and findings of the Planning Commission, and shall order the Zoning Official to refuse the permit or to issue the permit subject to the execution of a backfilling agreement and bond and to any other conditions deemed necessary by the Municipality to insure the public health, safety and general welfare.

- (3) Failure to Comply. If any permittee hereunder fails or refuses to comply with the agreement to backfill and level the area stripped, or with the reasonable orders of the Engineer, the municipality shall proceed to sue on the bond submitted and collect the amount of liability on such bond.
- (4) Existing Permits. Any and all strip-mining and excavation permits presently in effect at the date of adoption of this Ordinance shall be terminated within six months of such date, and be thereafter invalid. Any present permittee may apply for renewal and reissue of his permit, in accordance with this Ordinance.

#### 6.722 Solar Access

The intent of these regulations is to benefit the general welfare of inhabitants by preserving, protecting and encouraging the investment in alternative non-polluting, replenishable energy supply facilities and to eliminate, where possible and feasible, the growth and vegetation which casts shade upon solar collectors.

Duty of Private Owners. It shall be the duty of any person growing vegetation along or near a property line to trim his vegetation so as not to cause any interference with the access to sunlight between the hours of 9:00 a.m. and 4:00 p.m. local time of any solar collector on adjacent property capable of collecting not less than twenty-five thousand (25,000) BTU's on a clear winter day.

In cases of involving tree removal, however, the matter of removal shall be as determined by the Board after review by the Shade Tree Commission or in the absence thereof by the Planning Commission. In the event that it is determined that a tree or trees are to be removed, the cost of removal of same is to be borne by the person or persons petitioning for such removal i.e. the



installer(s) of the solar system. In no event, shall any new vegetation be grown which shall cast shade upon solar collectors already constructed.

The Board may also hear any case involving the cost of vegetation removal and determine how such cost is to be affixed.

Order to Trim or Remove The Building Official shall have the authority and it shall be his duty to order the trimming or removal of vegetation upon private property when he shall find such action necessary to protect the access to sunlight specified herein.

Procedure Upon Order to Trim or Remove. When the Building Official shall find it necessary to order the trimming or removal of vegetation upon private property as authorized herein, he shall serve a written order to correct the interfering condition upon the owner, operator, occupant, or other person responsible for the vegetation's existence.

1. Method of Service. The order required herein shall be served in one of the following ways:
  - (a) By making personal delivery of the order to the person responsible;
  - (b) By leaving the order with some person of suitable age and discretion upon the premises;
  - (c) By affixing a copy of the order to the door at the entrance of the premises in violation;
  - (d) By mailing a copy of the order to last known address of the owner of the premises, by registered mail;
  - (e) By publishing a copy of the order in a local paper once a week, for three (3) successive weeks.
2. Time for Compliance. The order required herein shall set forth a time limit for compliance, dependent upon the nature and degree of interference created by the violation.

Appeal from Order. A person to whom an order hereunder is directed shall have the right within ten (10) days of service of such order, to appeal

to the Zoning Hearing Board, who shall review such order within twenty-one (21) days and file its decision thereon. Unless the order is revoked or modified it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within ten (10) days after an appeal shall have been denied.

Failure to Comply. When a person to whom an order is directed shall fail to comply within the specified time, the Building Official shall remedy the condition or contract with others for such purpose and charge the cost thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter premises for that purpose.

Special Assessment. If the cost of remedying a condition is not paid within thirty (30) days after receipt of a statement therefore from the Municipality, such cost shall be levied against the property upon which said condition exists, as a special assessment. The levying of such assessment shall not affect the liability of the person to whom the order is directed to such penalties as provided by Article 7.900 of this Ordinance.

6.723 Wind Energy Conversion Systems (WECS) Regulations

WECS shall be permitted only as a Special Exception pursuant to Article 4.203 of this Zoning Ordinance.

The purpose of these WECS regulations, as herein set forth, is to provide sound environmental practices through the strict control of all WECS operations in the Municipality.

The intent of these regulations are to:

- (1) Recognize that WECS are an important contribution to renewable energy production.
- (2) Recognize and ensure the rights of those concerned to use wind energy as an alternative energy source.
- (3) Recognize and ensure the rights of those concerned with the use and development of the surface of the land.

- (4) Ensure that said wind-energy resource land uses are compatible with the total environment of the community.
- (5) Protect the public from WECS that are structurally unsafe, that emit excessive noise, and that can be hazardous to citizens.
- (6) Ensure aesthetic compatibility with adjoining uses.

Application Requirement for the Permitted Use Permit

Persons or firms desiring to install any WECS with or without accessory equipment or structures, shall file a written application with the Planning Commission. The written application shall contain the following information:

(1) Plot Plan

A plot plan, to scale, shall be submitted and shall include the following information:

- (a) A certified boundary survey of the property upon which the WECS is to be installed.
- (b) Existing and proposed structures including height and location.
- (c) Location and dimension of proposed parking areas and roads and other site improvements, where applicable.
- (d) Existing and proposed grading and removal or placement of natural vegetation.
- (e) Location of all existing and proposed electrical lines.
- (f) Location of appropriate easements.
- (g) Location of electrical, telephone and cable lines to principal structure and water and sewer mains, where applicable.

(2) WECS Characteristics and Performance Data

- (a) A photograph, illustration or artist's conception of the proposed WECS, including the tower and accessory structures.
- (b) Structural Specifications.
  1. Height, type and material of the structure including the generator unit and related devices.

Structural Specifications Cont'd

- (2) Type, size, and blade material of the proposed WECS.
- (3) Specific information on the safety, noise, and performance of the wind turbine and tower.

(3) Installation Schedule.

A written statement of the installation schedule shall be submitted with the Plot Plan.

(4) Certification of Structure.

Prior to the issuance of a building permit, the applicant shall submit in writing, certification by a registered, qualified engineer that the foundation, the tower, and the mechanical system, including the rotor, conform and comply with all appropriate Codes of the Municipality.

Development, Performance and Safety Standards

- (1) The distance from all lot lines to any tower support base of the WECS shall be determined according to the following WECS setback table but said distances shall in no event be less than the height of the tower. Intermediate rotor size distances shall be interpolated. The Board may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with promotion of the public health, safety and general welfare.

<u>Rotor Diameter in Feet</u>	<u>Setback Distance</u>
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

- (2) The distance from any tower support base of one WECS to any tower support base of another WECS under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor. The Board may also grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.
- (3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.
- (4) A fence six (6) feet high with a locking portal shall be placed around the WESC tower base or the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground.
- (5) Data pertaining to the machine's safety and stability shall also be filed with the permit application. Such data shall include safety results available from tests conducted by a recognized Testing Facility or equivalent information as determined by the Building Official.
- (6) The WECS, if connected to a utility system, shall meet the "tie-in" requirements as developed by the Pennsylvania Power and Light (PP&L) Company.
- (7) All electrical distribution lines shall be located underground.
- (8) The WECS tower shall be located not less than the height of the tower from adjacent residences or from any commercial place of human habitation or assembly even though located on the WECS applicant's property.
- (9) Any devices for the storage of electrical energy, back-up generation or otherwise connected to any wind energy conversion device shall be approved in conjunction with the Special Exception permit for such wind energy conversion device.
- (10) Noise levels shall not exceed those shown in Article 6.719 of this Ordinance.

- (11) The WECS applicant shall submit all required Federal Aviation Administration (FAA) clearances prior to being issued any building permit.
- (12) When a permit shall have been issued, the same shall terminate and become inoperative unless within one year from the date of issue, construction of the WECS shall have commenced.
- (13) The decommission of any WECS shall include the removal of the entire system pursuant to local regulations governing demolition, and shall also include the restoration of the site to pre-WECS contours as well as the re-vegetation of the site.

6.724 Restrictions and Requirements for Amusement Games and Related Machines

Amusement game machines or other amusement machines shall be allowed upon approval by the Zoning Hearing Board under a Special Exception procedure and subject further to any special legislation governing same. The Board shall determine or designate the Building Inspector to determine, based on plans to be submitted by the applicant, that there is sufficient space for such machines to prevent overcrowding of users or interference with pedestrian circulation on the rest of the premises; that traffic circulation and parking can be adequately accommodated; and that there is no undue concentration of such complexes or adverse effects on young persons utilizing schools and churches.

- (1) Amusement machine complexes shall be located within legal commercial enterprises only.
- (2) The complex shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is a management attendant within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.
- (3) Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum of width of 2 feet shall be provided per machine where the machine is designed for use by one player, and 3½ feet where the machine is designed for use by two

players. The depth of the space in front of the machine shall be at least 5 feet, and there shall be a minimum aisle width beyond this 5 feet of an additional 3 feet. Fire Prevention Code requirements shall also apply.

- (4) Off-street parking in addition to that otherwise required for the uses on the premises shall be provided in the amount of one space per two amusement game machines.
- (5) Readily visible signs shall be installed, with their location, size and text shown in the plans submitted to the Planning Commission, indicating that the use of machines by persons under 16 years of age shall not be permitted during normal school hours, and, where the premises are used primarily for the serving or consumption of liquor, that the use of amusement machines by persons under the age of 19 is prohibited at all times.