

MONROE TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014 - 03

AN ORDINANCE AMENDING, CHANGING, AND MODIFYING THE MONROE TOWNSHIP ZONING ORDINANCE BY PROVIDING FOR AND ESTABLISHING REGULATIONS AS FOLLOWS:

TABLE OF CONTENTS; SECTION 101 – SHORT TITLE; SECTION 110 – ZONE BOUNDARY LINE; SECTION 112 – DEFINITIONS; SECTION 200.2 – CONSERVATION ZONE PERMITTED USES; SECTION 200.4 – CONSERVATION ZONE CONDITIONAL USES; SECTION 201.2 – AGRICULTURAL ZONE PERMITTED USES; SECTION 201.4 – AGRICULTURAL ZONE CONDITIONAL USES; SECTION 202.2 – SUBURBAN RESIDENTIAL ZONE PERMITTED USES; SECTION 202.4 – SUBURBAN RESIDENTIAL ZONE CONDITIONAL USES; SECTION 203.2 – VILLAGE ZONE PERMITTED USES; SECTION 203.4 – VILLAGE ZONE CONDITIONAL USES; SECTION 301.2 – VILLAGE ZONE CONDITIONAL USES; SECTION 220.4 – INDUSTRIAL ZONE CONDITIONAL USES; SECTION 301.5 – ALTERNATIVE ENERGY SOURCES; SECTION 301.10 – ACCESSORY USES; SECTION 302.1 – UNENCLOSED STORAGE; SECTION 305 – CORNER LOTS; SECTION 313.2 – OUTDOOR SIGNS; SECTION 313.3 – SIGN REQUIREMENTS; SECTION 313.3 – AMORTIZATION OF NONCONFORMING SIGNS; SECTION 314 – ROADWAY CLASSIFICATIONS; SECTION 315.6 – ON-LOT SEWERAGE DISPOSAL; SECTION 324.2 – BUFFER ZONES; SECTION 326 – FORESTRY OPERATIONS; SECTION 327 – OUTDOOR WOOD BOILERS; SECTION 421.1 – ECHO HOUSING; SECTION 426 – GROUP DAY CARE FACILITIES; SECTION 437 – NON-COMMERCIAL KEEPING OF LIVESTOCK; SECTION 459 – WIND ENERGY FACILITIES (TO INCLUDE SECTION 459.1 – DEFINITIONS; SECTION 459.2 – ACCESSORY WIND ENERGY FACILITIES (AWEF); AND SECTION 459.3 – PRINCIPAL WIND ENERGY FACILITIES (PWEF)); SECTION 460 – SOLAR ENERGY FACILITIES (TO INCLUDE SECTION 460.1 – DEFINITIONS; SECTION 460.2 – ACCESSORY SOLAR ENERGY SYSTEMS (ASES); AND SECTION 460.3 – PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)); AND SECTION 701.1.12 – ZONING PERMIT EXPIRATION.

WHEREAS, the Board of Supervisors of Monroe Township has decided after a public hearing held on April 10, 2014, to make certain amendments, changes, and modifications to the Monroe Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Monroe Township feels that said amendments, changes, and modifications are in the best interest of the Township; and

WHEREAS, this Ordinance and the objections leading to its enactment are authorized by “The Second Class Township Code”, Act of May 1, 1993, P.L. 103, No. 69, reenacted and amended November 6, 1996, P.L. 350, No. 60 (53 P.S. Section 65101, et seq.); and by the “Pennsylvania Municipalities Planning Code”, Act of July 31, 1968, P.L. 805, as reenacted January 21, 1988, P.L. 1329, No. 170, and as further amended (53 P.S. Section 10101, et seq.); it is therefore enacted and ordained by the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania, as follows:

SECTION I

The Monroe Township Zoning Ordinance shall be amended, changed, and modified as follows:

(The page numbers cited in this Ordinance are the page numbers in the current Zoning Ordinance. The proposed Zoning Ordinance changes listed below will entail changes in the page numbering throughout the Zoning Ordinance.)

TABLE OF CONTENTS (Page i)

REVISE: *Revise Table of Contents based on revisions listed herein.*

SECTION 101 (Short Title - Page 1)

REVISE to read: "This Ordinance shall be known and cited as the "Monroe Township Zoning Ordinance of **2014**"

SECTION 110 (Zone Boundary Line - Page 3)

REVISE to read: ". . . the Zoning Officer shall investigate and render a written decision on the location of the line. Appeals shall be . . ."

SECTION 112 (Definitions - Page 4)

REVISE to read: ACCESSORY USE – A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building. *On a vacant lot adjacent to a lot with a developed principal use under the same ownership as the vacant lot, a single structure and driveway may be considered an Accessory Structure if erected for use as a residential storage structure or Private Garage as defined herein.*

SECTION 112 (Definitions – Page 6)

ADD subsection: *AGRICULTURAL MARKETING ENTERPRISE – An accessory use to an agricultural operation for the purpose of directly marketing agricultural products produced by the agricultural operation in their natural or manufactured state. The term shall include any on-farm processing, packaging or other activity performed in the course of direct marketing of the farmer's agricultural products. Examples include but are not limited to farm stands, creameries, pick-your-own operations, Christmas tree farms, etc.*

SECTION 112 (Definitions – Page 6)

ADD subsection: *AGRITOURISM ENTERPRISE – An accessory use to an agricultural operation at which activities are offered to the public or to invited groups for the purpose of recreation, entertainment, education or active involvement in the agricultural operation. These activities must be related to agriculture or natural resources and incidental to the primary operation on the site. These activities may include a fee for participants. Examples include but are not limited to hay rides, corn mazes, farm tours, rodeo, educational exhibits, agriculturally related events, recreation related tours and activities, etc.*

SECTION 112 (Definitions – Page 11)

REVISE subsection: Day-Care, Group – ADD additional sentence "Overnight accomodation of clients or patients shall be prohibited."

SECTION 112 (Definitions – Page 14)

ADD subsection: ***FARM OCCUPATION** – An accessory use to an agricultural operation at which goods and services are rendered in support of local agricultural operations or to supplement on-farm income. Examples include but are not limited to tractor repair services, custom cabinetry, welding shop, internet based business, auctions, repair services, catering, home occupations, traditional trade businesses, etc.*

SECTION 112 (Definitions – Page 14)

ADD subsection: ***FIRE, RECREATIONAL:** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.*

SECTION 112 (Definitions – Page 14)

ADD subsection: ***FIREPLACE, OUTDOOR:** A outdoor, solid-fuel or LP gas burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. An outdoor fireplace may be portable or stationary, open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.*

SECTION 112 (Definitions - Page 19)

ADD new Definition: ***MINIMAL IMPACT HOME-BASED BUSINESS** – A limited business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves limited customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, as defined below. The limited business or commercial activity must satisfy the following requirements:*

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.*
- (2) The business activity may not exceed 25% of the habitable floor area of the dwelling unit.*
- (3) The business activity may be conducted in a single detached accessory structure, not to exceed the total habitable floor area of the principal use dwelling.*
- (4) The business shall employ no more than one (1) employee other than family members residing in the dwelling.*
- (5) Customer, client or patient traffic shall be limited to no more than two individuals per resident family member not to exceed five (5 total at any given time), and shall be on an appointment only basis.*
- (6) Limited display and retail sales of products incidental to the business which are not produced on-site shall be permitted, limited to a display area no more than 10% of the floor area of the business operation. There shall be no stockpiling of inventory of a substantial nature.*
- (7) Any outside appearance of a business use, including, but not limited to, parking or lighting, shall be consistent with a residential setting and screened from all adjacent properties in accordance with Section 312.3.*
- (8) One identification sign not to exceed six (6) square feet shall be permitted, subject to the requirements of Section 313.*

- (9) *The property on which the business use is conducted shall be located within 1,500 feet of an arterial or collector road as measured along the public right-of-way*
- (10) *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.*
- (11) *Hours of operation shall be limited to 7:00 am to 7:00 pm*
- (12) *The business activity may not generate any solid waste, in volume or type, which is not normally associated with residential use in the neighborhood.*
- (13) *The Assignment of additional sewage related fees (EDU and tapping fees) pursuant to the current Resolution of the Board of Supervisors related to this matter and/or the Rules; Regulations; Specifications; and Details Governing the Construction of Sanitary Sewers as Amended from time to time.*
- (14) *Outdoor stockpiling of any material shall be strictly prohibited.*
- (15) *The business may not involve any illegal activity.*

SECTION 112 (Definitions - Page 17)

REVISE to read: LIVESTOCK - *Those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or paddock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, mules, swine, sheep, goats, chickens, and fowl. Animals customarily considered to be domesticated such as dogs, cats and other small pets **are not considered Livestock under this ordinance.***

SECTION 112 (Definitions - Page 20)

REVISE to read: NON-COMMERCIAL KEEPING OF LIVESTOCK - *An accessory use to a residential dwelling unit involving the breeding raising, caring for, housing, and principally the hobby / personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.*

SECTION 112 (Definitions - Page 22)

ADD definition: PRE-COMMERCIAL TIMBER STAND IMPROVEMENT - *A forest practice, such as thinning or pruning, which results in better growth, structure, specific composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.*

SECTION 112 (Definitions - Page 24)

ADD definition: RECYCLING COLLECTION FACILITY - *A principal use at which recyclable material is collected, sorted and stored within a wholly enclosed structure for shipment to an off-site processing facility.*

SECTION 112 (Definitions - Page 26)

ADD subsection: SIGN, Directional Sign: *A sign which displays an arrow or other directional cues such as Left Turn, Right Ahead, etc. which is not located on the property to which the directional information refers.*

SECTION 112 (Definitions – Page 29)

DELETE: *Delete “WECS UNIT” definition*

SECTION 112 (Definitions – Page 30)

DELETE: *Delete “WIND ENERGY FACILITIES” definition*

SECTION 200.2 (Conservation Zone Permitted Uses - Page 31)

ADD new Use: *11. ECHO Housing, integral to the principal dwelling unit, subject to the following requirements:*
A. Minimum Lot Size: 1/2 acre
B. Conditions contained in Section 421.1 and 421.2 are met, where applicable
12. Family Day Care Facilities

SECTION 200.4 (Conservation Zone Conditional Uses - Page 31)

REVISE Use: *4. ECHO Housing, integral to the dwelling unit on lots less than one half (1/2) acre in size, or located within a detached structure separate from the principal residence (See Section 421);*
5. Group Day-Care Facilities (see Section 426);

ADD new Use: *15. Minimal Impact Home-Based Business*

SECTION 201.2 (Agricultural Zone Permitted Uses - Page 34)

REVISE Use: *4. No-Impact and Minimal Impact Home-Based Business*

REVISE Use: *12A Agricultural Marketing Enterprises, subject to the following requirements:*
a. A minimum of 50 percent of the commodities sold must be produced by the farmer(s) operating the enterprise;
b. Permanent structures shall be located a minimum of forty (40') feet from the street right-of-way. Temporary structures shall be located a minimum of fifteen (15') feet from the street right-of-way;
c. An Agricultural Marketing Enterprise must comply with the access and driveway provisions in Section 308 of this ordinance. A shared use driveway with an existing driveway is encouraged;
d. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed. A minimum of two off street parking spaces shall be provided for permanent structures;
e. Structures containing Agricultural Marketing Enterprises are limited to a retail display area of 1,000 square feet of net floor area;
f. Signage for an Agricultural Marketing Enterprise shall be in accordance with Individual Business Signs contained in Section

313 of this Ordinance, but limited to a maximum area of 18 square feet per sign;

- g. A farm is permitted to have a combination of more than one Agricultural Marketing Enterprise, Farm Occupation and/or Agritourism Enterprise if requirements of the underlying zoning district and specific use criteria are met. Each enterprise or business must obtain appropriate zoning permit or land development approvals as required by this ordinance.*

ADD new Use:

12G. Agritourism Enterprises, subject to the following requirements:

- a. The minimum lot size for an Agritourism Enterprise shall be three (3) acres. The retail and parking area of an Agritourism Enterprise shall not occupy more than (15%) of the lot;*
- b. All uses shall be located within 1,500 feet of an arterial or collector road as measured along the public right-of-way;*
- c. Activities or structures included in an Agritourism Enterprise must comply with the setbacks for principal structures in the district in which is located unless utilizing an existing structure.*
- d. An Agritourism Enterprise must comply with the access and driveway provisions in Section 308 of this ordinance. The ingress/egress shall be improved with a dustless surface;*
- e. The applicant must provide for sufficient off-street parking spaces and off street loading spaces for all of those uses proposed according to the off street parking and loading provisions of this Ordinance. If, at any time after the opening of the facility, the Township determines that parking, loading or traffic back-ups are occurring on adjoining roads, and such are directly related to the lack of on-site facilities on the subject property, the Township can require the applicant to revise and/or provide additional on-site parking and/or loading space to meet the off street parking and loading provisions of this Ordinance and require implementation within 15 days. The Township may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. All parking areas shall contain fencing or other appropriate devices to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads;*
- f. Agritourism Enterprises are encouraged to use existing structures whenever possible. Structures for Agritourism Enterprises shall not exceed more than 50% of the aggregate of the square footage of the structures engaged in the principal use;*

- g. *Signage for Agritourism Enterprises shall be in accordance with shall be in accordance with Individual Business Signs contained in Section 313 of this Ordinance, but limited to a maximum area of 18 square feet per sign;*
- h. *The hours of operation shall be limited to 8 am to 9 pm and protect neighbors from noise, disturbance or interruption.;*
- i. *Agritourism Enterprises shall be owned or operated by the landowner, landowner's immediate family member, operator of the farm (as identified by written contract), or persons in residence of the farm;*
- j. *Agritourism Enterprises shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line;*
- k. *Agritourism Enterprises shall provide adequate sewerage disposal facilities for the operation;*
- l. *Applicants proposing an Agricultural Marketing Enterprise with a permanent structure or Agritourism Enterprise must submit a commercial zoning permit application in accordance with Section 701.3.*

ADD new Use: **13. ECHO Housing, integral to or detached from the principal dwelling unit, subject to the following requirements:**

- A. *Minimum Lot Size: 1/2 acre for units integral to the dwelling; 80,000 s.f. for detached structures*
- B. *Conditions contained in Section 421.1 and 421.2 are met, where applicable*

ADD new Use: **14. Group Day-Care Facilities, subject to the following requirements:**

- A. *Minimum Lot Size: 80,000 s.f.*

SECTION 201.4 (Agricultural Zone Conditional Uses - Page 38)

REVISE Use: **2. ECHO Housing, integral to the dwelling unit on lots less than one half (1/2) acre in size, or located within a detached structure separate from the principal residence on a lot less than 80,000 s.f. in size (See Section 421);**

REVISE Use: **12E. Noncommercial keeping of livestock, subject to the following criteria:**

- a. *Minimum Lot Area – one-half (1/2) acre for chickens and fowl, one (1) acre for all other types of livestock. Additionally, the following list specified additional area requirements by size of animals kept:*

GROUP 1 – Chickens and fowl, regardless of weight, and animals whose average adult weight is less than ten (10) pounds, shall be permitted at an animal density of eight (8) per acre with a maximum number of forty (40) animals

GROUP 2 – (NO CHANGE PROPOSED)

GROUP 3 – (NO CHANGE PROPOSED)

The keeping of a combination of animal types . . .

b. The following lists minimum setbacks . . .

GROUP 1 – A ten (10') foot setback (side & rear);

GROUP 2 – A twenty five (25') foot setback (side & rear);

GROUP 3 – A twenty five (25') foot setback (side) and fifty (50') foot setback (rear)

f. In addition to the regulations listed above, the keeping of chickens or fowl are subject to the following requirements:

(1) All chickens shall be provided with a covered, predator-proof cage or other shelter, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the chickens exclusive of areas used for storage of materials or vehicles. If an outside run is permitted, it shall be no bigger than ten (10') feet per chicken and shall be enclosed in a way that contains the chicken.

(2) Coops shall be maintained of hen droppings, uneaten feed, feathers and other waste weekly and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance

(3) Feces and deceased chickens or fowl shall be disposed of in a legal manner that does not become a nuisance to adjoining properties.

(4) Roosters are not permitted as an accessory use to an existing residential use.

REVISE Use: 13. Group Day-Care Facilities *on lots less than 80,000 s.f.* (see Section 426);

Add Use: 15. *Principal Solar Energy Systems (see Section 460);*

SECTION 202.2 (Suburban Residential Zone Permitted Uses - Page 42)

ADD new Use: 10. *ECHO Housing, integral to the principal dwelling unit, subject to the following requirements:*

A. Minimum Lot Size: 1/2 acre

B. Conditions contained in Section 421.1 and 421.2 are met, where applicable

SECTION 202.4 (Suburban Residential Zone Conditional Uses - Page 42)

REVISE Use: 3. ECHO Housing, *integral to the dwelling unit on lots less than one half (1/2) acre in size, or located within a detached structure separate from the principal residence (See Section 421);*

ADD new Use: 10. *Minimal Impact Home-Based Business*

SECTION 203.2 (Village Zone Permitted Uses - Page 44)

ADD new Use: 11. *ECHO Housing, integral to the principal dwelling unit, subject to the following requirements:*

- A. *Minimum Lot Size: 1/2 acre*
- B. *Conditions contained in Section 421.1 and 421.2 are met, where applicable*

SECTION 203.4 (Village Zone Conditional Uses - Page 44)

ADD new Use: 8. *Minimal Impact Home-Based Business*
9. *Group Day Care Facilities (see Section 426)*

SECTION 301.2 (Village Zone Conditional Uses - Page 44)

REVISE Subsection Swimming Pools – *Swimming pools as defined herein shall be permitted as accessory uses subject to the following requirements:*

- 1. *No permanent or temporary pool shall be permitted without an operable filtration system utilizing chorine, bromine or other antibacterial agent. The filtration system shall be operational at all times.*
- 2. *Swimming pools shall be completely enclosed with fencing or a barrier meeting the requirements of the Uniform Construction Code. Such fence or barrier shall be erected before any pool is filled with water.*
- 3. *All pools shall be setback a minimum of 10' from all lot lines, measured from the property line to the edge of the water.*
- 4. *No water from a pool shall be discharged onto any public street or alley.*
- 5. *All pools shall be maintained as not to become a nuisance to adjoining properties.*
- 6. *Swimming pools set-up and removed on a temporary basis shall be required to obtain a valid zoning permit prior to their initial installation, however subsequent installations of the same pool under the same permit conditions shall not require a permit.*

SECTION 220.4 (Industrial Zone Conditional Uses - Page 70)

Add Use: 20. *Principal Solar Energy Systems (see Section 460);*

SECTION 301.5 (Alternative Energy Sources – Page 74)

DELETE Subsection: *Delete entire subsection and renumber subsections 6-9*

SECTION 301.10 (Accessory Uses – Page 76)

ADD new Subsection: ***Outdoor Fireplaces and Recreational Fires*** – *Within any zone, outdoor fireplaces and recreational fires shall be permitted, subject to the following regulation and in accordance with the Monroe Township Burning Ordinance.*

1. *Outdoor Fireplaces shall be used in accordance with the manufacturer's instruction, contain a spark arrester and shall not be operated within fifteen (15') feet of a structure or other combustible material.*
2. *Recreational Fires shall not be conducted within twenty five (25') of a structure or other combustible material. Conditions which could cause a fire to spread within twenty five (25') feet of a structure shall be eliminated prior to ignition.*
3. *All Outdoor Fireplaces and Recreational Fires shall be constantly attended until the fire is extinguished. Approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or portable fire extinguisher shall be available for immediate utilization. A minimum of one UL listed portable fire extinguisher with a minimum 4-A rating shall be mounted no more than fifty (50') feet from and within sight of any permanent installation.*

SECTION 302.1 (Unenclosed Storage – Page 76)

REVISE Subsection: ***Recreational Vehicles, Boats, Campers, Trailers, and Trucks*** – *Within the (A), (NC), (HC) and (I) Zones, the unenclosed storage of recreational vehicles, campers, travel trailers, commercial trucks, boats and trailers is permitted.*

Within the (C), (R-1), ***(MHP)*** and (V) Zones, the unenclosed storage of recreational vehicles, campers, travel trailers, commercial trucks, boats and trailers is permitted only according to the following requirements:

1. For purposes of this section, recreational vehicles, campers, travel trailers, boats and trailers are divided into two separate categories.
Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console:

Class I Vehicles – Those recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of the residents' recreational vehicle(s) that ***are no more than twenty five (25') in length***, as measured to the vehicle's outermost edges, nor exceed a height of ten feet (10'), as measured from the ground to the highest point of the main body of the vehicle.

Class II Vehicles – Those recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of the residents' recreational vehicle(s) that ***are more than twenty five (25') in length***, as measured to the vehicle's outermost edges, exceed a height of ten feet (10'), as measured from the ground to the highest point of the main body of the vehicle, or both.

2. The temporary parking of *a* Class II vehicle for a period not to exceed 72 hours is permitted on a paved or gravel surface in the *front* yard, so long as the vehicle is set back no less than *five feet (5')* *from adjoining property lines*;
3. The storage of Class I vehicles registered to the landowner or tenant of a property shall be permitted on the basis of one vehicle *plus one vehicle* per one-half acre of lot area up to a maximum of *four (4)* vehicles, so long as *each* unit is set back no less than *five (5')* feet from any adjoining lot line. All areas . . .
4. The storage of one Class II vehicle is permitted subject to the following requirements:
 - A. *The vehicle shall be stored in the side or rear yard and set back a horizontal distance equal to the zone's accessory use setbacks*;
 - B. *No vehicle shall be stored within the front setback as specified for principal uses. On corner lots, a vehicle may be stored in the non-address front yard, but no closer than ten (10') feet to the right-of-way line. On vacant lots . . .*

SECTION 305 (Corner Lots – Page 80)

REVISE Paragraph: On any lot, no wall, fence or other structure shall be erected, altered or maintained and no hedge, tree or other growth shall be planted or maintained which may cause danger to traffic by obstructing the view *within an area formed by a Clear Site Triangle where the two legs of the triangle extend one hundred fifty (150') feet from the centerline intersection of the two intersecting streets for arterial and collector roads, or one hundred (100') feet for all other streets. Structures or vegetation less than three (3') feet in height or permitted signage may encroach into the required Clear Site Triangle at stop or signal controlled intersections so long as there is no obstruction to the view or danger to traffic created.*

SECTION 313.2 (Outdoor Signs – Page 92)

- REVISE Subsections:
1. Signs must be constructed of durable material and maintained in good condition. All lettering, illustrations, trademarks or logos shall be printed in a neat and professional manner with the assistance of computer generated graphics, stencils, or other similar templates or guides;
 6. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way, *with the exception of Temporary and Off-Site Directional signs*;
 12. Signs shall be positioned so that they do not interfere with the *safe stopping site distance or visibility of motorists at roadway intersections with other streets, access drives or driveways*;

17. Within an area regulated by the Monroe Township Floodplain Ordinance, no sign shall *exceed a total area of six (6) square feet, nor shall the cross sectional area of any portion of the sign below the base flood elevation be greater than 14 square inches;*

19. Only those signs referring directly to services, materials or products made, sold or displayed on the premise shall be permitted, *except for Signs owned and associated with uses operated by the Township and Directional Signs as permitted herein. The placement of off-site directional signage, both permanent and temporary, shall be limited to a distance no further than the first major intersection with a collector or arterial street from the identified facility or event;*

20. *Off-site Directional Signage shall contain a permanent label containing the name, address, phone number and any other applicable contact information of the party responsible for the signage;*

26. *Failure to comply with these regulations will result in removal of the sign and impoundment by the Township, followed by disposal if not claimed with 5 working days. An impoundment fee equal to the cost of the removal of the sign, at the regular rates of Township personell performing the task, shall be paid by the owner of the sign;*

SECTION 313.3 (Sign Requirements- Pages 95 & 97)

REVISE table: Clarify types of municipal uses, modify requirements for business signs and add requirements for Off-Site Directional Signage for fixed facilities and temporary events (see attached as "EXHIBIT "A").

SECTION 313.3 (Amortization of Nonconforming Signs- Page 100)

REVISE Paragraph 2: All such non-conforming signs will be required to conform at such time as *any modification to the perimeter sign dimensions*, change in type or height of sign, or combination thereof. Nonconforming signs approved by variance *or damaged to a point requiring over fifty (50%) percent reconstruction* will also be subject to this section.

SECTION 314 (Roadway Classifications – Page 101)

REVISE road: CHANGE West Lisburn Road to list of Arterial Roads

ADD road: ADD Sinclair Road to list of Collector Roads

SECTION 315.6 (On-Lot Sewerage Disposal – Page 102)

ADD subsection: *6. All proposed improvements shall comply with the setback regulations listed in PA Code Title 25, Environmental Protection Chapter 73.13, including but not limited to the following, as measured from the existing or proposed tanks or the perimeter of the aggregate absorption area:*

a. Property Line, Occupied Buildings, Pools or Driveways, Water Supply Lines under Pressure, or Storm water Detention or Recharge facilities: 10 feet

b. Water Supply Wells: 100 feet

SECTION 324.2 (Buffer Zones – Page 109)

ADD subsection: ***3. Expansions to existing single family dwellings.***

SECTION 326 (Forestry Operations – Page 110)

REVISE Text: ***Replace “Forest Stewardship Plan” with “Logging Plan” in all occurrences in this section.***

ADD Text: ***Add “or for pre-commercial timber stand improvement” to the end of the last paragraph.***

REVISE Subsections: ***2.A For all timber harvesting operations, the landowner shall obtain a Zoning Permit in accordance with Section 701.1. (Delete remainder of subsection)***

2.B Every landowner on whose land timber harvesting is to occur shall have a Logging Plan prepared by a qualified forester whose qualifications have been approved by the Township. No timber harvesting shall occur . . .

4.B Delete “between January 1 and April 1 or”

SECTION 112 (Definitions)

ADD new Definitions:

Clean Wood – Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

DEP – Pennsylvania Department of Environmental Protection

EPA – United States Environmental Protection Agency

Non-Phase 2 Outdoor Wood-Fired Boilers – An OWB that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (Btu) output or lower and is labeled accordingly.

Outdoor Wood-Fired Boiler (OWB) – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

- 1. Designed to burn clean wood or other approved solid fuels;***
- 2. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and***
- 3. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.***

Phase 2 Outdoor Wood-Fired boiler – An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

Spark Arrester – A device (located at the top of a chimney) to prevent sparks, embers or other ignited material above a given size from being expelled to the atmosphere.

Stack – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

SECTION 327 (Outdoor Wood Boilers – Page 113)

ADD new Section: **OUTDOOR WOOD-FIRED BOILERS**

Outdoor wood-fired boilers are permitted as an accessory use in all zones, subject to the following conditions and requirements:

- 1. Emissions Standards – All outdoor wood-fired boilers must meet EPA Phase 2 emission standards. Non-Phase 2 OWBs acquired through real estate transactions are exempt from this requirement.*
- 2. Number of OWBs – The number of OWBs shall be limited to one per lot.*
- 3. Setbacks – OWBs shall be installed in accordance with the following setbacks:*
 - a. Side & Rear Yards: 50 feet*
 - b. Any structure: 10 feet*
 - c. Nearest residential structure not on lot where the OWB is located: 100 feet*
- 4. Location – OWBs shall not be located in the required front setback.*
- 5. Stack Height – OWBs must have a permanently installed stack that extends at least ten (10') feet above the ground and is installed according to manufacturer's specifications.*
- 6. Types of Fuel Permitted – All OWBs shall operate using only the following fuels:*
 - a. Clean Wood*
 - b. Wood pellets made from clean wood*
 - c. Home heating oil, natural gas or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired outdoor wood-fired boilers*
 - d. Other types of fuel approved in writing by DEP upon receipt of a written request.*
- 7. Solid Waste Disposal – During the entire period of use, every owner of an OWB shall have a current contract with a licensed solid waste hauler and shall use its services for disposal of all household trash. Upon request, every owner and user of an OWB shall present proof of current waste disposal contract to the Township. An OWB shall not be used as a waste incinerator.*

8. *Use of Starter Fluids – Use of starter fluids such as lighter fluid, gasoline and other chemicals to ignite an OWB is prohibited.*
9. *Safety – All OWBs should be equipped with a properly functioning spark arrestor.*
10. *Nuisance – The use of an OWB shall not cause a nuisance, as defined by applicable Township Ordinances to neighboring or other properties, as determined by the Zoning Officer.*
11. *Vegetation – An area not less than twenty (20') feet in any direction around the OWB shall be kept free of any vegetation with the exception of grass no higher than six (6") inches in height.*
12. *Installation, use and operation of an OWB must comply with manufacturer's specifications as well as all applicable local, county, state and/or federal laws, regulations and codes.*

SECTION 421.1 (ECHO Housing - Page 136)

REVISE 1st Sentence: *Within the (C), (A) and (R-1) Zones, ECHO housing integral to the dwelling unit on lots less than one half (1/2) acre in size, and/or located within in a detached structure separate from the principal residence subject to minimum lot size requirements is permitted by Conditional Use, subject to the following criteria:*

REVISE subsection: 5.A *For all public utility connections, ECHO housing utilities shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards. For public sewer connections, the applicant shall obtain approval of the Municipal Authority having jurisdiction for the connection, including payment for an additional EDU if determined to be applicable by the Municipal Authority; and*

SECTION 426 (Group Day Care Facilities - Page 140)

REVISE Section: *Within the (VO) Zone, group day-care facilities are permitted by special exception, and within the (C), (R-1), (V) and (A) zones, group day-care facilities are permitted by conditional use, subject to the following criteria:*

ADD subsection 6. *Applicant shall obtain the approval of the Municipal Authority having jurisdiction or the Sewerage Enforcement Officer for any increased flows generated from the proposed use. For public sewer connections, the applicant shall make payment for additional EDU's if determined to be applicable by the Municipal Authority.*

SECTION 437 (Non-Commercial Keeping of Livestock - Page 147)

REVISE Section: *Revise section to match requirements proposed above for Section 204.1.12.E.*

SECTION 459 (Wind Energy Facilities - Page 171)

REVISE Section: *Revise Section 459 – Wind Energy Facilities (see attached as “EXHIBIT “B”)*

SECTION 460 (Solar Energy Facilities)

ADD NEW Section: *Add Section 460 – Solar Energy Facilities (see attached as “EXHIBIT “C”)*

SECTION 701.1.12 (Zoning Permit Expiration - Page 197)

REVISE Subsection: Expiration of Permit – The permit shall expire after *two (2) years* from the date of issuance; provided, however, that the same may be extended one time for one (1) additional year, upon written request by the applicant on a form provided by the Township. *A permit shall become invalid if the work authorized under the permit does not commence within 180 days from the date of permit issuance, or if the authorized work is suspended or abandoned for 180 days after the work commenced.* If the applicant fails to complete the work within the timeframe of the extension, the applicant shall be required to apply for and obtain another zoning permit, and pay any fees prescribed, prior to use and occupancy.

SECTION II – CONTINUATION

Provisions of this Ordinance, so far as they are the same of those of Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offence under the authority of any Ordinance repealed by this Ordinance.

SECTION III – EFFECTIVE DATE

This Ordinance shall become effective in accordance with the law.

SECTION IV – SEVERABILITY

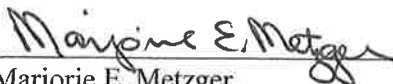
In the event that any provision, section, sentence, cause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, sentence, clause or part of this Ordinance or other ordinances affected by this Ordinance, it being the intent of Monroe Township that such remainder shall be and shall remain in full force and effect.

SECTION V – RELATIONSHIP TO OTHER ORDINANCES

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed.

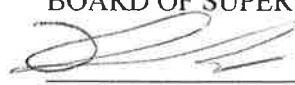
DULY ORDAINED AND ENACTED this 10 day of April, 2014, by the Board of Supervisors of Monroe Township, Cumberland County Pennsylvania.

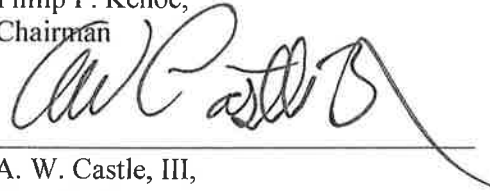
ATTEST:


Marjorie E. Metzger,
Secretary

(SEAL)

MONROE TOWNSHIP
BOARD OF SUPERVISORS


Philip F. Kehoe,
Chairman


A. W. Castle, III,
Vice-Chairman



Samuel M. Simmons, III,
Supervisor

EXHIBIT "A"

PERMANENT SIGN REQUIREMENTS

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Municipal Signage owned and associated with uses operated by the Township, e.g. signs on Municipal property, traffic signs	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Residential and Agricultural nameplates identifying name of home, its occupant, or both, (not including name listing on mailbox) and Agricultural Security Areas.	1 per dwelling unit or principal farm structure	8 square feet	5 feet	10 feet	Not Permitted	Not Permitted	All		No
Individual Business Signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This includes agricultural based operations, but does not include businesses contained within planned centers, as defined herein.	2 per principal use	1 square foot per 5 linear feet of frontage, not to exceed 40 square feet	15 feet	Height of wall to which sign is attached	Height of wall to which sign is attached	20 feet, but not closer than 10 feet from any lot line	A, NC, HC and I, except as permitted by other sections of this Ordinance	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes

EXHIBIT "B"

SECTION 459 – WIND ENERGY FACILITIES

SECTION 459.1 -- DEFINITIONS

FACILITY OWNER – the entity or entities having a legal or equitable interest in the Wind Energy Facility, including the respective successors and assigns.

FLICKER – a repeating cycle of changing light intensity.

GROUND CLEARANCE – the minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.

HUB HEIGHT – the distance measured from the surface of the tower foundation to the highest point of the wind turbine hub, to which the blade is attached.

METEOROLOGICAL TOWER - a tower used for the measurement of wind speed.

NON-PARTICIPATING LANDOWNERS – any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

OCCUPIED BUILDING – a residence, school, hospital, church, public library, commercial building or other building used for public gathering that is in use when the permit application is submitted.

OPERATOR – the entity responsible for the day-to-day operation and maintenance of the wind energy facility.

PARTICIPATING LANDOWNER – a landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

ROTOR – that portion of the wind turbine, i.e. blades and associated hub and shaft, which is intended to be moved or activated by the wind.

SHADOW FLICKER – alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

TOTAL HEIGHT – when referring to a wind turbine, the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

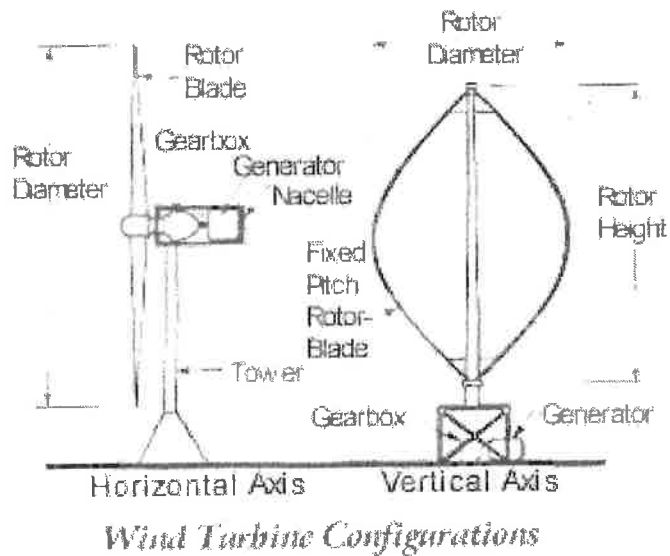
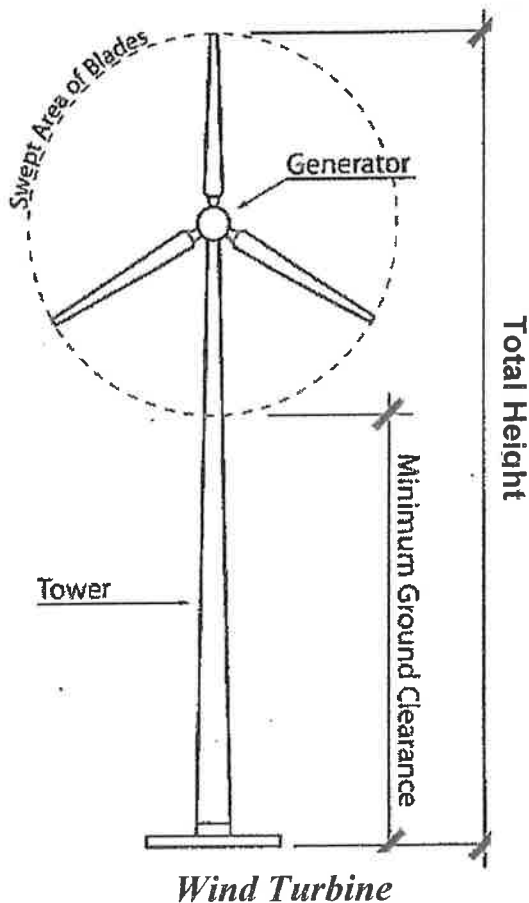
TOWER – the supporting structure of a wind turbine on which a rotor and accessory equipment are mounted. The basic types of towers include self-supporting (free standing) or guyed.

WIND ENERGY FACILITY – an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmissions lines and other appurtenant structures and facilities.

1. **ACCESSORY WIND ENERGY FACILITY** - a system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.

2. **PRINCIPAL WIND ENERGY FACILITY** – a system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

WIND TURBINE – a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.



SECTION 459.2 – ACCESSORY WIND ENERGY FACILITIES (AWEF)

A) Requirements for All AWEF

1. Accessory Wind Energy Facilities (AWEF) shall be permitted in all Zoning Districts as an accessory use. Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.
2. The layout, design, and installation of AWEF should conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code.

3. Number of AWEF permitted on lots with both ground and building mounted AWEF

- i) One ground mounted AWEF and one building mounted AWEF is permitted on a lot.

4. Noise

- i) The sound produced by AWEF under normal operating conditions, as measured at the property line, shall not exceed 55 dBA.
5. When an accessory building is necessary for storage or related mechanical equipment, the accessory building shall comply with the accessory building requirements of the underlying zoning district.
6. The owner of an AWEF shall provide the Township written confirmation that the public utility company to which the AWEF will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid AWEF shall be exempt from this requirement.
7. All on-site utility, transmission lines, and cables shall be placed underground.
8. The display of advertising is prohibited except for identification of the manufacturer of the system.
9. AWEF shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations
10. AWEF shall be painted a non-reflective, flat color such as white, off-white or gray unless required to be colored differently from FAA or BOA regulations.
11. AWEF shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
12. An AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
13. No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks.
14. The owner of the AWEF shall provide evidence that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the wind energy facility.

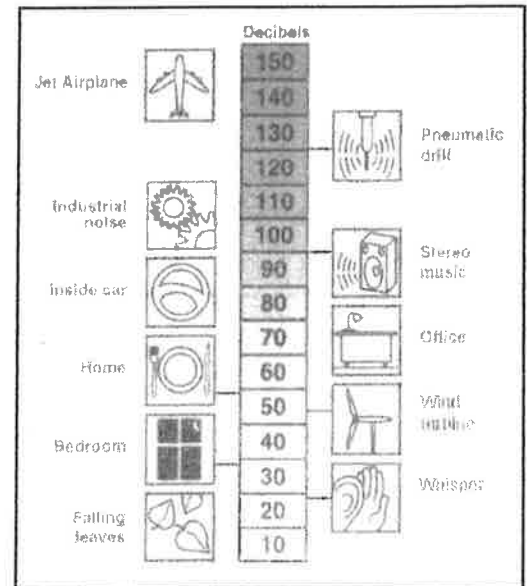


Figure 1 Common noise levels compared to wind turbines.

15. Decommissioning

- i) Each AWEF and related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 - ii) The AWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such AWEF for a period of twelve (12) continuous months.
16. The AWEF must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the AWEF to conform or to remove the AWEF.

B) Requirements for Ground Mounted AWEF

1. Ground mounted AWEF may be placed on lots of any size assuming they meet the height and setback restrictions found in this section.
2. Height for Ground Mounted AWEF
 - i) AWEF height shall not be restricted assuming that the AWEF meets the setback requirements.
 - ii) The minimum ground clearance for the AWEF shall be (15) feet.
3. Setbacks for Ground Mounted AWEF
 - i) AWEF shall be set back from property lines, occupied buildings, above ground utility lines, railroads and/or road right-of-ways by a distance equal to no less than one time the total height.
4. Number of Ground Mounted AWEF allowed per lot
 - i) One ground mounted AWEF is permitted per lot.
5. Location
 - i) Ground mounted AWEF are prohibited in front yards, between the principal building and the public street.
 - ii) Installation of a ground mounted AWEF may be authorized in front of the principal building, outside the required front yard, if the applicant demonstrates to the Zoning Hearing Board through a Special Exception that, due to wind access limitations, no location exists on the property other than the front yard where the AWEF can perform effectively.
6. Safety and security
 - i) The owner shall post electrical hazard warning signs on or near the AWEF.

- ii) Ground mounted AWEF shall not be climbable up to (15) feet above ground surface.
- iii) Access doors to any AWEF electrical equipment shall be locked to prevent entry by unauthorized persons.

C) Requirements for Building Mounted AWEF

1. Building mounted AWEF may be located on any lot regardless of size.
2. Height regulations shall not apply to building mounted AWEF, provided the height does not exceed the limitations of the zoning district for which they are located.
3. There is no limit on the number of building mounted AWEF assuming that the building is capable of supporting the load of the AWEF.
4. For building mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code indicating the building is capable of holding the load imposed on the structure.

SECTION 459.3 – PRINCIPAL WIND ENERGY FACILITIES (PWEF)

A) Design and Installation

1. Principal Wind Energy Facilities (PWEF) shall be permitted by conditional use in the Agricultural and Industrial Zoning District(s). Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.
2. The layout, design, and installation of PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of the Township. The manufacturer specifications shall be submitted as part of the application.
3. Applicants shall submit a land development plan which shall be compliant with all land development/subdivision ordinance requirements of the Township.
4. The applicant shall provide sufficient documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.
5. The PWEF shall provide Monroe Township written confirmation that the public utility company to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.
6. All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

7. Visual Appearance

- i) All on-site utility, transmission lines, and cables shall be placed underground.
- ii) PWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently from FAA or BOA regulations.
- iii) PWEF shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
- iv) The display of advertising is prohibited except for identification of the manufacturer of the system, facility owner and operator.
- v) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWEF.
- vi) Accessory Buildings, Structures, Mechanical Equipment
 - (1) Accessory structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen.
 - (2) The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the structures into the natural setting and existing environment.

8. Warnings and Safety Measures

- i) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- ii) All access doors to PWEF including electrical equipment, outbuildings and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
- iii) Wind Turbines shall not be climbable up to (15) feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.
- iv) Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10') feet from the ground.
- v) The applicant will provide a copy of the project summary and site plan to local emergency services.
- vi) Facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. Upon request the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

B) Zoning Requirements

1. Lot size

- i) *Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.*

2. Setbacks

- i) Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for the zoning district or its total height, whichever is greater.
- ii) *Wind Turbines shall be set back from an occupied building, on a non-participating landowner's property, not less than 1.5 times its total height measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.*
- iii) *Wind Turbines shall be set back from an occupied building on a participating landowner's property, not less than its total height measured from the center of the wind turbine base to the nearest point of foundation of the occupied building. Any operator/occupied building used in connection with the development are exempt from this distance limit.*
- iv) Wind Turbines shall be set back from the nearest public road right-of-way a distance of not less than the normal setback requirements for the zoning district or its total height, whichever is greater as measured from the right-of-way line to the center of the Wind Turbine base.
- v) Each Wind Turbine shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than 1.1 times its total height. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point of such lines.
- vi) *All Wind Turbines shall be setback from any ridge a distance of not less than the wind turbine's total height. For this provision, "ridge" shall be defined as the elongated crest or series of crests at the uppermost point of intersection between opposite slopes of a mountain and including all land lying between such point and an elevation 250 feet below the elevation of such point.*
- vii) *Wind Turbines shall be set back at least 2,500 feet from Important Bird Areas as identified by Pennsylvania Audubon and at least 500 feet from identified wetlands.*
- viii) *Each Wind Turbine shall be set back from the Appalachian Trail and any historic structure, district, site or resource listed in the state inventory of historic places maintained by the Pennsylvania Historical and Museum Commission a distance no less than two thousand five hundred (2,500') feet. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point on the foundation of an historic building, structure or resource, or the nearest property line of an historic district or site or the Appalachian Trail.*
- ix) Accessory buildings, structures, and related equipment to the PWEF shall comply with the building setback requirements of the underlying zoning district.

3. *Waiver of Setbacks*

- i) *Property owners may waive the setback requirements for occupied buildings on non-participating landowner's property and property lines by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.*
- ii) *The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed PWEF is not in compliance, and state that consent is granted for the Facility to not be setback as required by this Ordinance.*
- iii) *Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.*

4. Height

- i) There shall be no specific height limitation, so long as the total height meets sound and setback requirements, except as imposed by FAA regulations.
 - ii) The minimum Ground Clearance shall be thirty (30) feet.
5. *No PWEF shall be located on a lot of record containing slopes equal to or exceeding 15% on 50% or more of the lot of record. This standard shall apply to each lot where a PWEF extends across multiple lots of record.*

C) Operational Standards

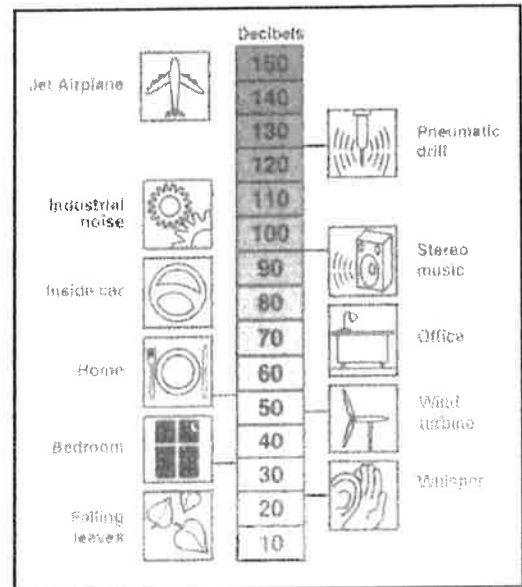
1. Use of Public Roads

- i) The applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the PWEF.
- ii) The Township's Engineer shall document public road conditions prior to construction of the PWEF. The Engineer shall document road conditions within thirty (30) days after construction of the permitted project is complete, or as soon thereafter as weather may allow.
- iii) The Township shall require applicant to secure a bond for the road(s) to be used within the Township in compliance with applicable regulations at an amount consistent therewith; or, if not provided by regulation, an amount set at the discretion of the governing body in consultation with the Township Engineer.
- iv) Any road damage caused by the applicant, facility owner, operator, or contractors shall be promptly repaired to the Township's satisfaction at the expense of the applicant and/or facility owner.
- v) The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged public roads.
- vi) *Every effort should be made to use existing roads and logging roads. New deforestation and forest fragmentation should be kept to a minimum. Private entrance roads to PWEF must be*

maintained in a mud-free condition.

2. Noise

- i) Audible sound from a PWEF shall not exceed 55 dBA, as measured at the property line between participating and non-participating landowners.
- ii) Noise limits may be exceeded during short-term events such as utility outages and/or severe wind storms
- iii) Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.



3. A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

4. Shadow Flicker.

- i) A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
- ii) A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.
- iii) *The facility owner and operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating property.*

5. Waiver of Noise and Shadow Flicker Provisions

- i) *Non-participating landowners may waive the noise and shadow flicker provisions of this Ordinance at the request of the participating landowners or PWEF owner by signing a waiver of their rights.*
- ii) *The written waiver shall notify the non-participating landowner(s) of the sound or flicker limits in this Ordinance, describe the impact on the non-participating landowner(s), and state that the consent is granted for the PWEF to not comply with the sound or flicker limit in this Ordinance.*
- iii) *Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.*

6. Facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
7. *The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.*
8. Public Inquiries and Complaints
 - i) The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
 - ii) The Facility Owner and Operator shall respond to the public's inquiries and complaints.
9. *A PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. A certificate of insurance shall be made available to the Township upon request.*
10. Decommissioning
 - i) The facility owner or operator shall, at his expense, complete decommissioning of the PWEF and all related improvements within twelve (12) months of the date when the use of the particular PWEF has been discontinued or abandoned by the facility owner and/or operator, or upon termination of the useful life of same. The PWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such PWEF for a continuous period of twelve (12) months.
 - ii) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
 - iii) Disturbed earth shall be graded and re-seeded, unless the land owner requests in writing that the access roads or other land surface areas not be restored.
 - iv) An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to Township after the first year of operation and every fifth year thereafter.
 - v) The facility owner or operator shall post and maintain decommissioning funds in an amount 110% of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by Borough/Township.
 - vi) Decommissioning funds may be in form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Borough/Township.

vii) If the facility owner or operator fails to complete decommissioning within the period prescribed by paragraph 10.(i) above, then the land owner shall have six (6) months to complete the decommissioning.

viii) If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described by paragraphs 10.(i) and 10.(viii) above, then Borough/Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating land owner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Borough/Township may take such action as necessary to implement the decommissioning plan.

ix) The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Borough/Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Borough/Township in order to implement the decommissioning plan.

D) Application Requirements. A Conditional Use application for a PWEF shall include the following:

1. A narrative describing the proposed PWEF, including an overview of the project, the project location, the approximate generating capacity of the PWEF, the approximate number, representative types and height or range of heights of Wind Turbines to be constructed including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and the operation of the PWEF and setting forth the applicant's and property owner's name, address and phone number.
3. Identification of the properties on which the proposed PWEF will be located, and the properties adjacent to where the PWEF will be located.
4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
5. A Decommissioning Plan sufficient to demonstrate compliance with Section C.10 above.
6. *A wind resource study shall be submitted documenting wind resources at the site. The study shall include but is not limited to data showing average wind speeds capable of generating electricity and the available capacity to transmit the electricity into the power grid.*
7. *A noise study in accordance with Section C.2 above.*
8. *A shadow flicker study in accordance with Section C.4 above.*
9. Other relevant studies, reports, certifications and approvals as required by this Ordinance or as may be requested by the Borough/Township to ensure compliance with this Ordinance.

10. Throughout the permit process, the applicant shall promptly notify the Township of any changes to the information contained in the conditional use/special exception permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

EXHIBIT "C"

SECTION 460 – SOLAR ENERGY SYSTEMS

460.1 - DEFINITIONS

ACCESSORY SOLAR ENERGY SYSTEM: An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

GLARE: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

PRINCIPAL SOLAR ENERGY SYSTEM: An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

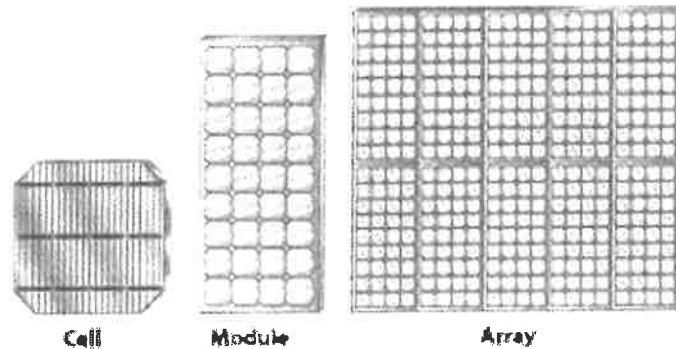
SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.
2. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.

3. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.



460.2 - ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

A. Regulations Applicable to All Accessory Solar Energy Systems:

1. ASES that have a maximum power rating of not more than 15kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating more than 15kW shall comply with the requirements for Principal Solar Energy Systems.
2. Exemptions
 - a. ASES with an aggregate collection and/or focusing area of 50 square feet or less are exempt from this ordinance.
3. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code.
4. *ASES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:*
 - a. *Is certified by the North American Board of Certified Energy Practitioners (NABCEP).*
 - b. *Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.*
5. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

6. The owner of an ASES shall provide the Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
7. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

8. *Glare*

- a. *All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.*
- b. *The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.*

9. *Solar Easements*

- a. *Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.*
 - b. *Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:*
 - i. *A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;*
 - ii. *Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;*
 - iii. *Enumerate terms and conditions, if any, under which the easement may be revised or terminated;*
 - iv. *Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.*
 - c. *If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).*
10. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

11. Decommissioning

- a. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 - b. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
12. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
2. The total height of a building with an ASES shall not exceed by more than (1 foot, 3 feet, XX) above the maximum building height specified for principal or accessory buildings within the applicable zoning district.
3. Solar panels shall not extend beyond any portion of the roof edge.
4. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township/borough that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks
 - a. The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.
 - b. *A ground mounted ASES shall not be located in the required front yard.*
2. Height
 - a. Ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the systems.
3. Coverage
 - a. The following components of a ground mounted ASES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
 - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

- ii. All mechanical equipment of the system including any structure for batteries or storage cells.

4. Screening

- a. *Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.*
5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

460.3 - PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

A. Regulations Applicable to All Principal Solar Energy Systems:

1. PSES shall be permitted by conditional use in the Agricultural (A) and Industrial (I) Zoning District(s)
2. PSES shall meet all the requirements listed for ASES listed in Section 460.2, subsections 3 through 10.
3. *A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50 dBA, as measured at the property line.*
4. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Borough/Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
5. Decommissioning
 - a. The PSES owner is required to notify the Borough/Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
 - b. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owners expense.
 - c. *At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Borough/Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.*

6. Land Development Plan

- a. PSES shall comply with the Borough/Township subdivision and land development requirements and obtain Land Development approval. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

B. Ground Mounted Principal Solar Energy Systems:

1. Minimum lot size – one (1) acre
2. Setbacks
 - a. PSES shall comply with the setbacks of the underlying zoning districts for principal structures.
3. Height
 - a. Ground mounted PSES shall not exceed 20 feet in height.
4. Impervious Coverage
 - a. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:
 - i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - ii. All mechanical equipment of PSES including any structure for batteries or storage cells.
 - iii. Gravel or paved access roads servicing the PSES.
5. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 312 of this ordinance.
6. Security
 - a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
 - b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
7. Access
 - a. *At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.*

b. *At a minimum, a 20' wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.*

8. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

C. Roof and Wall Mounted Principal Solar Energy Systems:

1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure.
2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.