
**ARTICLE VI
SUPPLEMENTAL REGULATIONS**

§ 601 Filling, Excavation, and Grading.

1. All activities other than farming and mineral extraction (which is the subject of state and/or federal permitting regulations) which require the moving of earth or the filling or excavating of an area greater than 5,000 square feet shall submit a sedimentation and erosion control plan and a site grading plan to the Township prior to the start of such work. These plans may be subject to reviews by the Township Engineer and the County Conservation District. See also Section 807, "Preservation of Trees and Forests". [Amended April 24, 2024]
2. Grading Regulations.
 - A. Potentially unstable slopes, as determined by the Township Engineer, shall not be created. The Zoning Officer may require that the applicant provide certification from a Professional Engineer that finished slopes will be stable.
 - B. The surface area of any yard adjacent to a building or structure shall be graded so that surface water will be drained away from such structure.
 - C. No grading shall be completed in such a way that soils, rocks or other debris are left in an unsightly fashion nor in a fashion that interferes with drainage, streets or utilities.
 - D. The Zoning Officer or Township Engineer may require that a sedimentation and erosion plan be prepared, submitted to the County Conservation District for review and compliance.
 - E. Materials used for fill as a future base for construction shall be non-biodegradable, well compacted and provide a suitable and secure base. The Zoning Officer, upon the advice of the Township Engineer, may require that an applicant fund appropriate underground testing of a proposed building site if there is reasonable doubt in the opinion of the Township Engineer that the subsurface is suitable and secure for building.
 - F. Steep Slopes. Provisions of Section 802 shall apply based upon the contours that existed prior to any re-grading.
3. Dumping. Dumping of junk or solid waste in other than an approved solid waste disposal facility or junkyard is prohibited.

§ 602 Sewage Disposal.

1. All methods of sewage and waste treatment and disposal shall meet the requirements of the PA Department of Environmental Protection and in accordance with the Official Township Sewage Facilities Plan, when applicable.
2. Re-certification of On-Lot Systems. Any on-lot or community cluster septic system is required to be reviewed and/or tested by the Sewage Enforcement Officer for adequacy if a change or expansion of an existing use would cause an increase in sewage flows.
3. Back-Up System. Any lot using an on-lot septic system shall also include a tested open, unpaved land area that would be suitable for installing a second system if the first system failed.

4. On-Lot Systems and Lot Area. The minimum lot areas shall not apply if a testing of a site for a septic system results in a determination by the Sewage Enforcement Officer that a larger lot area is needed, in which case that larger lot area shall be the minimum.
5. Wastewater Amount. For all uses not connected to an approved central sewage treatment system that meets both State and Township requirements, an amount of wastewater shall not be generated for treatment through an on-site absorption area that is greater than an average of one equivalent dwelling unit per acre of lot area.

§ 603 Maximum Height Exceptions.

1. Exemptions. No building or structure shall exceed the maximum building height specified in the relevant district regulations of this Ordinance, except that such standard shall not apply to farm silos, billboards, communications towers, amateur radio towers, water towers, belfries or steeples of places of worship/assembly, electrical transmission lines, windmills, as well as appurtenances usually required to be and customarily placed above the roof level of buildings, such as elevator shafts and chimneys. All structures shall be constructed in accordance with their respective regulatory and inspection entities. No portion of a structure above the maximum building height specified in the relevant district regulations of this Ordinance shall be intended for human occupancy or considered habitable.
2. Height and Aircraft. All uses are subject to any applicable regulations of the Federal Aviation Administration and the Pennsylvania Aviation Administration regulating the heights of structures within proximity of any airport. In addition, any structure designed to have a height of 150 feet or more above average surrounding ground level must present sufficient information to the Zoning Officer that the structure would not be a hazard to air traffic.

§ 604 Special Lot and Yard Requirements

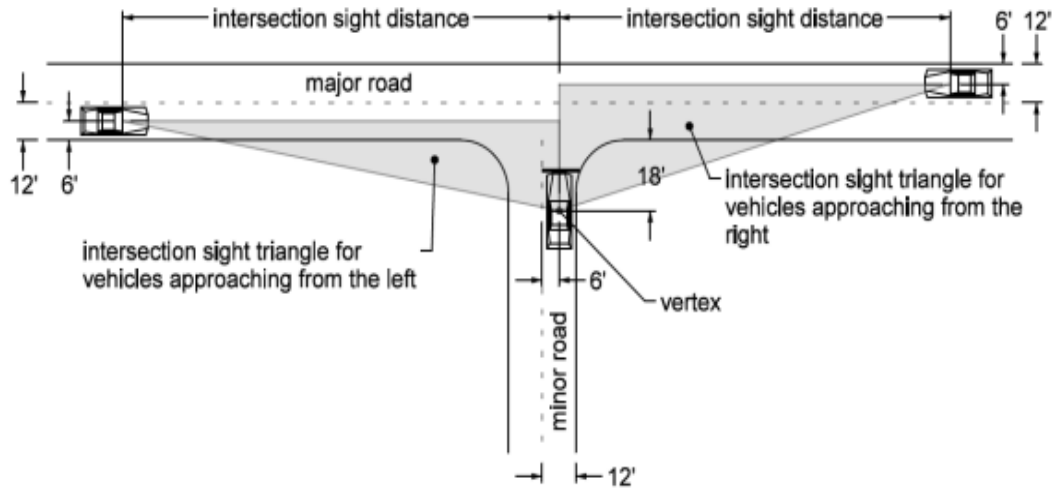
1. Exceptions to Minimum Lot Areas, Lot Widths and Yard Setbacks.
 - A. Nonconforming Lots per this Chapter.
 - B. Through Lots. Any lot having frontage on two (2) approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.
 - C. Corner Lots. Setback areas equal to the minimum front yard setback shall be provided along all portions of a lot abutting any public street, except where the applicant proves to the satisfaction of the Zoning Officer that the provision of a smaller setback of a different yard for a residential building will conform with the clearly prevailing yard pattern on existing developed adjoining lots fronting on the same street.
 - D. Projections Into Required Yards. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads or chimneys or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three (3) feet, except in a drainage or utility easement.
 - E. Yard setbacks shall not apply to fences or central air conditioning units for individual dwellings, provided they do not extend onto an easement. For additional fence requirements, see Section 605.3.

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- F. Wood decks that are not enclosed, that are not covered by a permanent roof, and that are attached to a dwelling may extend a maximum of twenty (20) feet into a required rear yard setback. All decks must comply with the Township Building Code.
 - G. Where applicable, no setback shall be required for a residential patio provided all of the following conditions are met: a) the patio is neither covered by a permanent roof nor enclosed by walls, b) the patio is setback a minimum of ten (10) feet from any residential lot line other than a lot line along which dwellings are attached, and c) the patio is not raised more than three (3) feet above the ground level facing an adjacent dwelling.
 - H. Septic Systems. Nothing in this Ordinance shall prevent the Township Sewage Enforcement Officer from requiring a minimum lot size larger than what is stated in this Ordinance to carry out State and Township sewage regulations.
 - I. Previously Approved Setbacks. Where a residential subdivision was granted final approval prior to the adoption of this Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, those approved setbacks may apply in place of the setbacks in this Ordinance.
 - J. Flag lots are prohibited in all districts.
2. Sight Distance at Intersections.
- A. Sightlines at Intersections.
 - (1) Intent. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
 - (2) A sight distance triangle as illustrated in this Section and defined in Section 1202 shall be graded and kept free of sight obstructions between the ground level and a height of ten (10) feet, including structures, non-transparent fences, vegetation and signs (but not including signposts of less than one (1) feet in width or the trunks of deciduous trees).
 - (3) This sight distance triangle shall be shown on an official site plan and on any record plan that may be required. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
 - (4) If a driveway, accessway or street would enter onto a State street, the required sight distance shown on the official plan shall be the applicable minimum sight distance required by Penn DOT.
 - (5) If minimum sight distance requirements would not be established by Penn DOT, then the sight distance triangle shall be as follows: the triangle shall be measured based upon the intersecting point of the centerlines of the street receiving the traffic and the entering street, accessway or driveway. The sight distance triangle shall be established by a distance along the centerline of the receiving street (established below) and a distance (measured along the centerline of the entering street, accessway or driveway) 25 feet back from the edge of the existing right-of-way of the receiving street. The following distances shall be used along the centerline of

the receiving street in each direction from the intersection to establish the sight distance triangle:

- (a) 350 feet along the centerline of any arterial street;
- (b) 275 feet along the centerline of any collector street; and
- (c) 200 feet along the centerline of any local street.

B. Required sight distance triangle: [Amended April 24, 2024]



- (1) These sight distance requirements shall apply to all intersections involving a public street and another street, accessway or driveway, except these requirements shall not apply to an individual driveway serving only one or two dwelling units that enters onto a local or collector street.
- (2) A sight distance triangle shall be apply for each direction of approach to an intersection.

§ 605 Buffer Yards, Screening, Landscaping, and Fences/Walls

1. Buffer Yards and Screening.

- A. General Buffer Yard Width. Where a buffer yard is required by this Ordinance, the buffer width shall be at least 50 feet, unless otherwise specified.
- B. Conflicts With Required Setbacks. In the case where a required buffer yard width exceeds the required yard setback specified in the Base Zoning District or within Sections 702, 502, 503, or 504, the greater buffer yard distance shall apply. The buffer yard planting requirement shall be met regardless of the minimum yard requirement.
- C. Adjacent Base Zoning Districts. Specific widths of buffer yards and screening shall be required for parcels sharing a boundary with parcels within a different type of Base Zoning District. Where there is a conflict between the requirements within this subsection and elsewhere within this Chapter, the greater buffer yard distance shall apply.
 - (1) District Types are designated in accordance with Section 201.
 - (2) Table x denotes the required buffer yard and screening for the subject parcel. The subject parcel is responsible for providing the required buffer yard and screening.
 - (3) Unless otherwise specified in Article VII, parcels within TD1 Agriculture do not have a required buffer yard when adjacent to a different District Type.

TABLE x: Required Buffer Yards ad Screening for Adjacent Zoning Types

Adjacent Parcels by District Type		
Subject Parcel District Type	Adjacent District Type	Required Width of Buffer Yard & Screening
Mixed Use (TD6 only)	Residential (TD2-5)	20 ft.
Mixed Use (TD7-8)	Residential (TD2-5)	50 ft.
Industrial (TD9-11)	Mixed Use (TD6-8)	75 ft.
Industrial (TD9-11)	Residential (TD2-5)	100 ft.

- (4) Location of Buffer Yards.
 - (a) The buffer yard shall be measured from the district boundary line or lot line.
 - (b) If a district boundary line aligns with a right-of-way of center line of a street, then the right-of-way line adjacent to the subject parcel shall mark the beginning of the buffer yard measurement.
 - (c) If a future or ultimate right-of-way line exists, then such line shall mark the beginning of the buffer yard measurement. Therefore, no part of a buffer yard shall not be located within any future or ultimate street right-of-way.

- (d) Subject parcels within the TD6 are not required to provide a buffer yard along a front lot line or any right-of-way line.
- (e) Any subject parcels shall not be required to provide a buffer yard for an adjacent residential use or district if they are separated by an expressway.

D. Characteristics of Buffer Yards.

- (1) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicular parking. No new driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- (2) Maintenance. In all buffer yards, all areas not covered by trees and shrubs shall be well maintained in an all-season natural ground cover (such as grass) and shall be kept free of debris and rubbish and shall not involve grass more than twelve (12) inches in height.
- (3) Preservation of existing vegetation or slopes. Where a buffer yard would be required and an existing tree line, thick vegetation or steep slopes presently serves as a natural buffer, this buffer shall be maintained for the applicable required width. If there is no such existing vegetation or slopes present, the applicant shall be required to plant a buffer yard in accordance with this Section and any other applicable requirements.
- (4) If a substantial natural berm or slope or dense vegetation will be maintained and will be substantial enough to meet the buffer provisions of this Section, or if topographic conditions or the creation of berms by the developer would clearly relieve the need and cause for screening, the Zoning Officer may waive the required evergreen screening.
- (5) Fence. Any fence that may be constructed shall be on the inside (closest to the interior of the lot) of any required evergreen screening.
- (6) Earth Berms. If an earth berm is required by a provision of this Ordinance, it shall meet the following requirements:
 - (a) The berm shall have a minimum average height of eight (8) feet above the average finished ground level (disregarding drainage channels) measured adjacent to the slope closest to the lot line.
 - (b) The entire earth berm, composed of a mix of native and evergreen plantings, shall be covered by a well-maintained and attractive all-season. No grass shall be permitted. The berm shall be continuous along such boundary, except: a) at approved driveway entrances and exits, and b) along segments where it is impossible to provide such berm while still providing adequate sight distance for traffic, and c) where otherwise specified in this Ordinance.
 - (c) The toe of a berm must be a minimum of five (5) feet from the property line.
 - (d) The berm shall have a maximum side slope of three (3) horizontal to one (1) vertical.
 - (e) The berm may be located within a required buffer yard.

E. Characteristics of a Planting Screen.

- (1) Each buffer yard shall include a planting screen of native trees or shrubs extending the full length of the lot line.
- (2) Each planting screen shall be in accordance with the following requirements and placed on the recorded plan:
 - (a) Unless otherwise regulated elsewhere within this Ordinance, the planting screen shall include at least one (1) row of plantings consisting of a mixture of deciduous and evergreen trees, of which a minimum of sixty percent (60%) are evergreen, spaced at intervals no greater than ten (10) feet apart, measured from the vertical centerline of the trees.
 - (b) Required evergreen plant materials shall have a minimum height of eight (8) feet when planted; deciduous plantings shall be a minimum height of twelve (12) feet when planted.
 - (c) The planting screen shall be permanently maintained by the landowner. Any plant material that perishes within twelve (12) months of planting shall be replaced.
 - (d) The planting screen shall be so placed that at maturity it will be at least 8 feet from any cartway and will not grow over an exterior lot line.
 - (e) The planting screen shall be broken only at points of vehicular or pedestrian access and shall comply with the sight distance requirements of this Chapter.
 - (f) A mix of native and evergreen trees (as opposed to shrubs) shall be planted at off-sets to allow space for future growth, as per Township Construction Standards. Any buffer yard required to be one hundred (100) feet or greater shall be planted with a depth of plantings no less than thirty-five (35) percent its overall buffer yard depth.

F. Plans.

- (1) Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan and Site Plan Review application, the applicant shall submit plans showing:
 - (a) The location and arrangement of each buffer yard;
 - (b) The placement, species and size of all plant materials; and
 - (c) The placement, size, materials and type of all fences to be placed in such buffer yard.
- (2) The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.
- (3) In the case of a buffer yard shown on a subdivision or land development plan or Site Plan Review application, the buffer shall be reviewed by the Township Planning Commission and must be approved by the Township Board of Supervisors.

- G. Species of Plantings. Required plantings shall be only those species within the Township's approved list of plant species, which is held on file at the Township's Office, unless the applicant proves to satisfaction of the Planning Commission or Zoning Officer that a substitution would be appropriate.

2. Landscaping

- A. Groundcover. Any part of a commercial, industrial or institutional lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained natural groundcover, and shall be landscaped with trees and shrubs. Mulch is not allowed along any new structure, and mulch beds are not considered vegetative cover without shrubs or trees. Groundcover shall not be substituted for required screening materials.
- B. See Section 1003.8, Paved Area Landscaping, Section 1003.9, Parking Lot Screening, Section 605.1, Buffer Yards and Screening, and any applicable Street Tree Requirements of the Subdivision and Land Development Ordinance. No landscaping within parking areas shall be placed or allowed to grow to obscure the vision of drivers within the parking lot. Generally, shrubs shall be low growing and not provide a visual barrier to drivers at a height between two (2) and four (4) feet.

3. Fences and Walls.

- A. Unless otherwise stated, these uses shall be allowed in all Districts.
- B. Sight Distance. No fence or wall shall obstruct the sight distance requirements of Section 604.2., nor obstruct safe sight distance within an alley.
- C. Fences
 - (1) Any fence located in the front yard of a use in the residential districts shall have a minimum ratio of 3:1 of open to structural areas, shall not exceed five (5) feet in height and shall be constructed entirely of wood, PVC, or aluminum (and any required fasteners).
 - (2) Fences shall not be required to comply with the rear and side yard setbacks for accessory structures unless the fence would abut a public street.
 - (3) A fence located on a residential lot shall have a maximum height of six (6) feet. Any other fence in a residential district shall not exceed ten (10) feet.
 - (4) A fence shall not be required to comply with accessory structure setbacks, except that no fence shall be built within ten (10) feet of the future right-of-way line of a street and a fence in a residential district shall be setback from the property line the following distances:
 - (a) Single-Family Detached Dwelling – minimum 1.5 feet
 - (b) Townhouse Dwellings
 - 1) along the common side lot line: no minimum setback
 - 2) any side yard not adjacent to a common side lot line: minimum 1.5 feet

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- (c) Semi-detached dwellings, common side lot line - no setback Semi-detached dwellings, other side yard – minimum 1.5 feet
 - (5) No fence shall be located within the paved area setback required under Section 1003.
 - (6) Any fence that has one side that is smoother and/or more finished than a second side shall place that smoother and/or more finished side so that it faces away from the area that is enclosed.
 - (7) No fence shall be located in an access, drainage or utility easement unless approved by the Board of Supervisors. The permittee must agree to be responsible for all legal costs incurred by the creation and approval of an Easement Agreement with the Township and recorded in the Office for the Recording of Deeds in and for Northampton County, if approved.
 - (8) No part of this Ordinance shall prohibit a developer from establishing Deed restrictions or homeowner association regulations that further restrict the height, location and material of fences in addition to those set forth herein.

D. Walls.

- (1) Engineering retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section and are permitted by right as needed in all Districts.
- (2) No wall shall be located in the required front yard in a residential district, except as a backing for a Permitted sign at an entrance to a development and except for a decorative wall with a maximum height of three (3) feet.
- (3) A wall in a residential district shall have a maximum height of one (1) foot for every two (2) feet if it is setback from a lot line, up to a maximum height of six (6) feet.
- (4) Walls that are attached to a building shall be regulated as a part of that building, and the regulations of this Section shall not apply.

- E. Gates. All fences, walls or continuous hedges more than four (4) feet in height shall be equipped with gates or other suitable passageways at intervals of not more than 250 feet.

§ 605.1 Dumpsters.

- 1. If visible from a public road, nonresidential dumpsters shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slats. The fence or wall shall include a self-latching door or gate.
- 2. Dumpsters and their enclosures shall not be located closer than twenty-five (25) feet to any front yard property line or closer than ten (10) foot to any side or rear yard property line.
- 3. Setback from Dwellings: An outdoor dumpster for commercial/industrial use shall be kept the maximum distance that is feasible away from any abutting dwelling (maximum distance shall be approved by the Board of Supervisors and/or Zoning Hearing Board).
- 4. Dumpsters shall be completely enclosed, and the lid shall be kept in place at all times. The

locations of all dumpsters shall be shown on all site plans and land development plans submitted to the municipality.

5. This section shall not apply to dumpsters placed temporarily on a lot during actual construction or demolition on the premises, or for temporary residential use. See Section 611.

§ 606 Establishment of Future Right-of-Way Widths for Streets.

1. Purpose. Minimum future right-of-way widths are established for streets where the existing right-of-way is less than that indicated in this section for the particular class of street. These future rights-of-way are designed to reserve adequate rights-of-way for future circulation improvements, including street widening, shoulders, bikeways and sidewalks, and to provide rights-of-way for needed public sewer and water lines.
2. Dedication of Future Right-of-Way. See any requirements in the Township Subdivision and Land Development Ordinance.
3. Measurement.
 - A. The future right-of-way shall be measured with one-half on either side of the center line of the existing right-of-way. If the existing right-of-way is clearly significantly off-center of the cartway, the centerline of the cartway shall be used. Regardless of whether the future right-of-way is actually dedicated, the minimum yards shall be measured from the future right-of-way distance that would apply if the future right-of-way would be dedicated.
 - B. The specific classification of each street is shown on the Township's Official Circulation Plan.
4. Minimum Widths. The following future rights-of-way for future circulation improvements shall be reserved along each street, unless a differing right-of-way is required by the Township Subdivision and Land Development Ordinance or the Board of Supervisors may approve a reduction in the minimum future right-of-way:
 - A. Expressway: Minimum 120 feet.
 - B. Arterial Street: Minimum 80 feet.
 - C. Collector Street: Minimum 60 feet.
 - D. Local Street: Minimum 50 feet.
5. Ownership and Maintenance. If the Township or PennDOT do not accept dedication of a future right-of-way at the time of development of a use, that land shall remain a part of the adjacent lot and be reserved for future dedication until such time as the Township or PennDOT agree to accept dedication.

§ 607 Industrial and Commercial Driveways.

1. A driveway or accessway serving commercial or industrial use shall be deemed to be integral with such use and shall not be a permitted use in a residential district. This restriction shall not apply to a driveway or accessway that will be clearly limited to use by only emergency vehicles.

§ 608 Access onto Arterial Streets.

1. See the Township's Official Circulation Plan.
2. For additional requirements for lots within the Route 191 Corridor Overlay, see Section 403.
3. Access.
 - A. Each lot with less than 150 feet of frontage on an arterial street shall have not more than one access point involving left-hand turns onto each such street, and no lot with 150 feet or more feet of total frontage on an arterial street shall have more than two (2) access points involving left-hand turns onto any such arterial street.
 - (1) This provision shall not apply to the following: 1) construction of new streets onto an existing arterial street, or 2) access points that are clearly limited to use by only emergency vehicles.
 - (2) A separate ingress point and a separate egress point shall be considered one access point, if well-marked.
 - B. Where practicable, access to 2 or more lots shall be combined to minimize the number of access points onto an arterial street. Shared parking lots are strongly encouraged. See possible reduction of parking requirements in Section 1005.
 - C. See the access control provisions of the Township Subdivision and Land Development Ordinance.
 - D. Wherever possible, a system of interior access (such as common driveways, parking courts and accessways) shall be provided that minimizes access points onto all adjacent public streets.

§ 609 Temporary Structure or Use.

1. Temporary structures and/or uses are permitted subject to the issuance of a Temporary Zoning Permit as well as the following provisions:
 - A. Statement from Owner. As part of the permit application, the applicant shall present a statement from the owner of record of the land recognizing the application and accepting responsibility and liability to ensure that the use or structure is removed once the permit expires.
 - B. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

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- C. Bond. The Zoning Officer may require that a bond or other acceptable form of security be posted by the applicant to ensure removal of the temporary use or structure. Such a bond shall be equal to 125 percent of the cost of removing the structure or use, as estimated by the Township Engineer.
 - D. Compatibility. The temporary use or structure shall be compatible with adjacent uses and not cause any undue adverse impact on surrounding properties.
 - E. Hours and/or Days of Operation. No temporary use shall be operated during any hours or on any days of the week except those that are designated by the Board of Supervisors, or the Zoning Officer as delegated, based on the nature of the temporary use and the surrounding existing uses on adjoining and adjacent properties.
 - F. No temporary structures shall be used as a dwelling.
 - G. Additional Regulations for Specific Temporary Structures
 - (1) Non-habitable Tents.
 - (a) The provisions of this section shall not apply to tents erected for five (5) days or less in any calendar year for 1) customarily accessory non-commercial uses and for 2) customarily accessory uses to an existing principal commercial use, where permitted by right.
 - (b) All non-habitable tents used for solicitation, including but not limited to tents for selling merchandise, are permitted only by special exception approval from the Zoning Hearing Board.
 - (c) Non-habitable tents shall not be erected within retail or shopping center parking lots unless by special exception approval from the Zoning Hearing Board.
 - (d) All tents must be placed outside of the ultimate right-of-way of any street and must be placed on a vegetated surface.
 - (2) Temporary Structures Incidental to Development, including offices for real estate or construction personnel, equipment shed, or staging areas.
 - (a) Such structures may be permitted in any district when accessory to an active construction area.
 - (b) Such structures shall contain no sleeping accommodations or operable cooking facilities.
 - (c) Such structures shall be limited to a period not to exceed the duration of such construction project.
 - (3) Portable storage units within a residential lot.
 - (a) There shall be no more than one (1) portable storage unit per lot.

- (b) A portable storage unit shall be no larger than twelve (12) feet wide, sixteen (16) feet long and eight (8) feet high.
- (c) No portable storage unit shall remain in a residential zoning district in excess of 30 consecutive days unless an extension of the applicable permit has been approved by the Township.
- (d) No portable storage unit shall be permitted to be stored on the street and street right-of-way.

2. Additional Regulations for Specific Temporary Uses

- A. Special Events. If the special event will exceed the occupancy capacity, for which the principal structure and/or parking lot (as applicable) has been previously permitted, by twenty (20) percent, the applicant shall provide evidence of how sanitary and water service, traffic control, off-street parking and protection of the public health and safety shall be adequately addressed to the satisfaction of the Board of Supervisors prior to approval. Such a special event shall also comply with all applicable requirements of the Township's Outdoor Amusement Ordinance, as amended.
- B. Commercial Uses. A temporary use which clearly serve a primarily charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.

§ 610 Posting of Address.

- 1. Every principal building shall post its street number (if one has been established) in such a prominent place that it can be clearly viewed from a public street. All address numbers must be reflective or backlit, and contrasted with their background, in order to be seen clearly at night. All doors at the rear of a commercial business shall be labeled with the address of the business and name.
- 2. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.
- 3. Where required by the Fire Department, address identification shall be provided in additional approved locations to facilitate emergency response.
- 4. Size of Street Numbers. Each character shall be a minimum of 4" high for residential uses and 24" high for non-residential uses.

§ 611 Commercial and/or Industrial Buildings-Master Key, Knox Boxes.

- 1. Buildings - General. All new and/or industrial buildings constructed after October 31, 1996 and all existing commercial and/or industrial buildings which undergo remodeling in excess of \$1,000 after the aforementioned date shall be provided with a Master Key Knox Box at a location approved by the Fire Department. Such box shall be provided with Master Keys

necessary for access to all portions of the premises. Such Box and Keys shall be provided prior to issuance of a Certificate of Occupancy.

2. Application for Approval. Application for approval of compliance with subsection 1 above shall be made to the local Fire Department.
3. Buildings with Elevators. All buildings equipped with elevators shall be provided with a Master Key Knox Box as in subsection 1 above.
4. Knox Box. All Knox Boxes must be a "commercial type" Knox Box.
5. Keys to Establishments. The owner and tenant are responsible for assuring that the correct key which opens the establishment is within the Knox Box at all times. It shall be a violation of this Ordinance to have the incorrect key in the Knox Box at any time.
6. The Knox Box shall be placed at a location to be determined by the Hecktown Fire Company.
7. An approved lock shall be installed on gates or similar barriers where required by the local Fire Department.

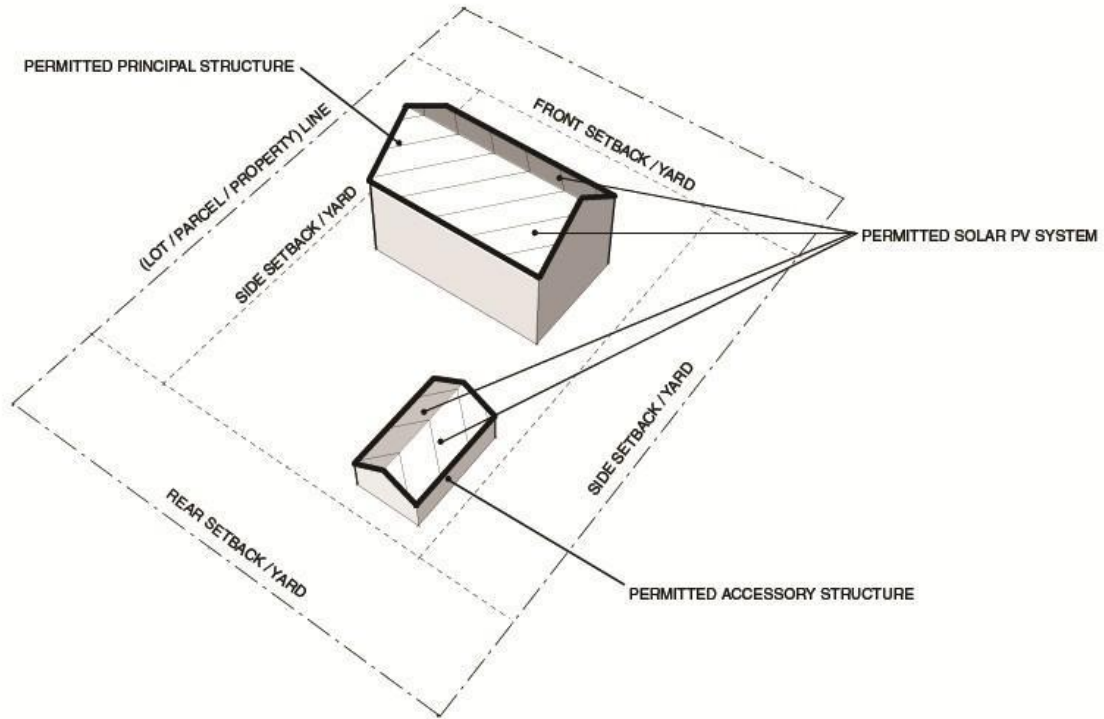
§ 612 Solar Photovoltaic (PV) System.

1. Purpose. It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. This Section seeks to:
 - A. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs.
 - B. Reduce overall energy demands within Lower Nazareth Township and promote energy efficiency.
 - C. Integrate alternative energy systems seamlessly into the Township's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.
2. Applicability.
 - A. This Section applies to building-mounted and ground-mounted systems installed and constructed after the effective date of this Ordinance.
 - B. Solar photovoltaic systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Section.
3. Permitted Zoning Districts.
 - A. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit pursuant to Section 109 and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance.
 - B. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.

4. Location within a Lot.

- A. Building-mounted systems are permitted to face any rear, side and front yard or any unregulated yard area as defined in Section 1202 of this Ordinance. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- B. Ground-mounted systems are permitted based on the requirements for accessory uses or structures in the property's zoning district.

**PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



5. Design and Installation Requirements.

- A. The solar photovoltaic system shall be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended and adopted by Lower Nazareth Township, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC.

6. Setback Requirements.

- A. Ground-mounted systems accessory to a principal residential use are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed.
- B. Exception: Ground mounted systems shall not be permitted between the architectural front of the principal structure and the right-of-way.
- C. The required setbacks are measured from the lot line to the nearest part of the system.

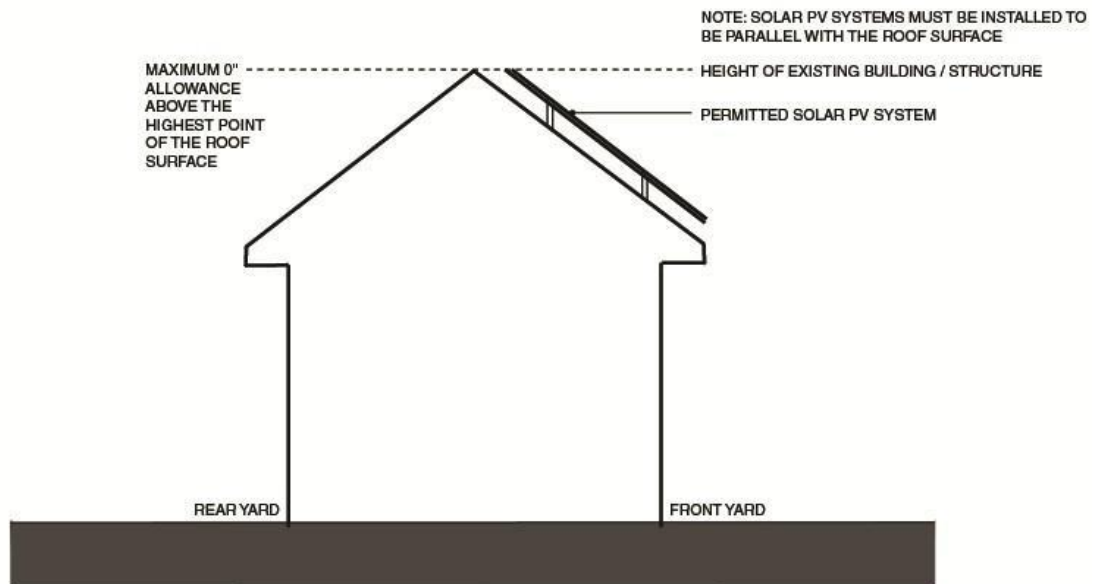
No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar photovoltaic related equipment or parts.

7. Height Restrictions.

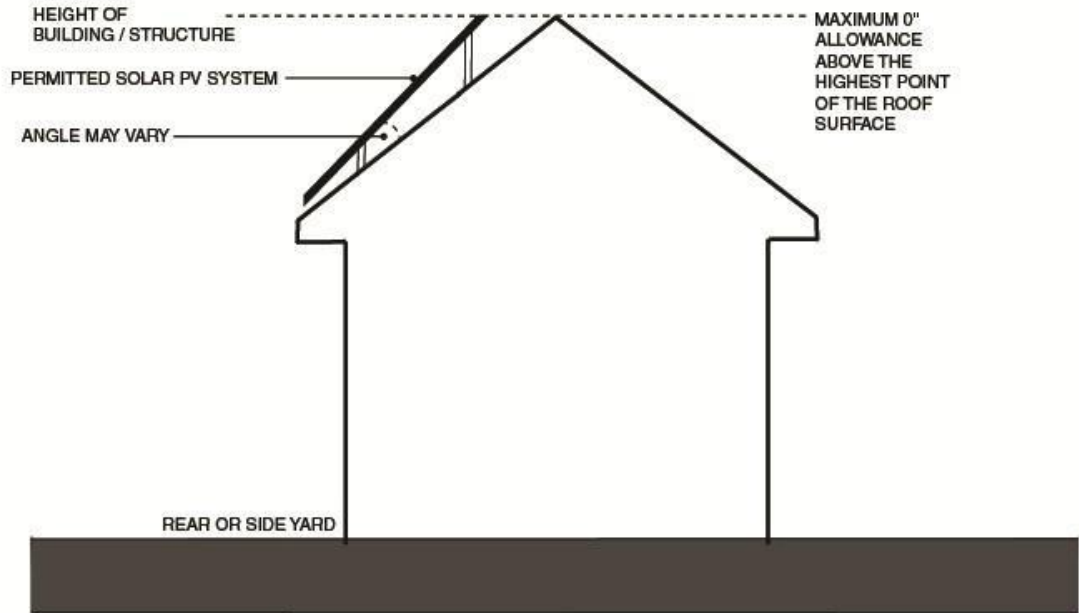
A. Notwithstanding the height limitations of the zoning district:

- (1) For a building-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of thirty-six (36) inches between the roof and highest edge or surface of the system.
- (2) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

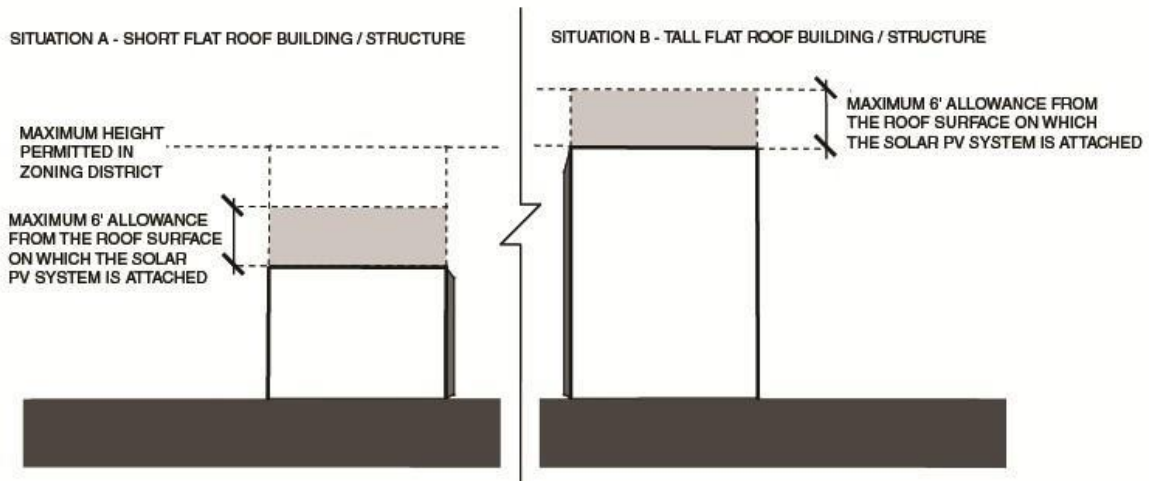
HEIGHT RESTRICTION, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



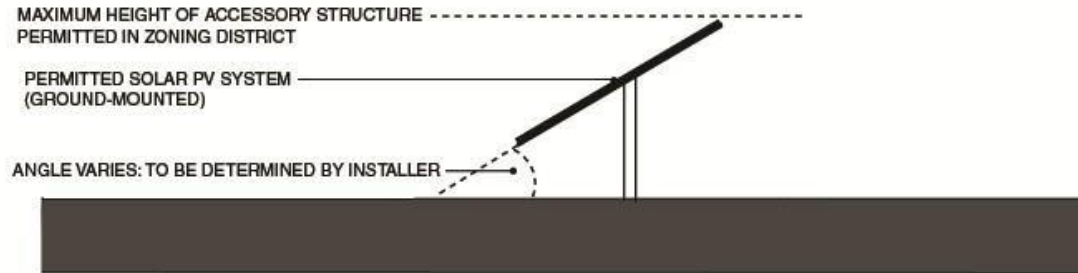
HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



HEIGHT RESTRICTION, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ISOMETRIC



**HEIGHT RESTRICTION: GROUND-MOUNTED SOLAR PV SYSTEM
ELEVATION**



- B. Notwithstanding the height limitations of the zoning district:
 - (1) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.
 - (2) Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar photovoltaic system is to be installed.

8. Screening and Visibility.

- A. Ground-mounted Systems shall be screened from adjoining residential uses or zones according to the standards found in Section 605 of this Chapter.
- B. Exception: Screening from residential uses shall not be required in the TD1 Agriculture, TD6 Village Mixed Use, TD7 Suburban Mixed Use, TD8 Regional Mixed Use, TD9 Contracting, Craftsman, and Artisan, TD10 Assembly and Distribution, and TD11 Manufacturing, Extraction, and Processing.
- C. Building-mounted systems on a sloped roof shall not be required to be screened.

9. Impervious Lot Coverage.

- A. The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the maximum lot coverage standards listed in Article III for the respective base zoning district. If the ground-mounted system is mounted above existing impervious surface, it shall not be calculated as part of the property lot coverage limitations for the zoning district.
- B. Ground mounted systems complying with all of the following conditions shall not be considered impervious lot coverage:

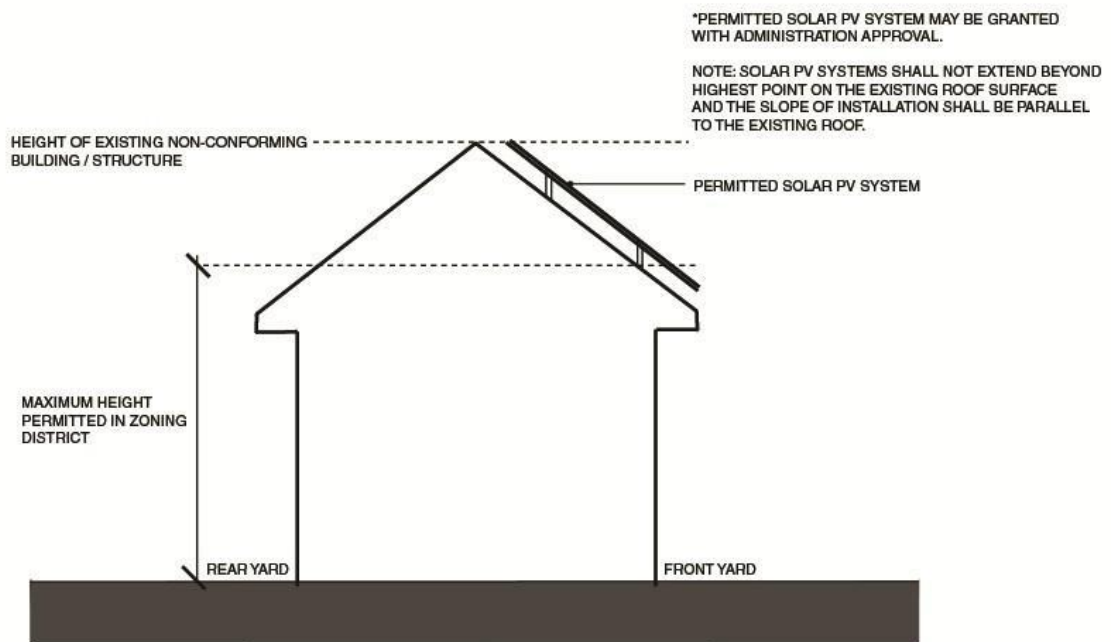
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- (1) Projects where earth disturbance and grading activities are minimized and where natural vegetative cover is preserved and/or restored. The utilization of low impact construction techniques must be used. Refer to BMP 5.6.1: Minimize Total Disturbed Area – Grading, BMP 5.6.2: Minimize Soil Compaction in Disturbed Areas, and BMP 5.6.3: Re-Vegetate and Re-forest Disturbed Areas, Using Native Species from the PA Stormwater Best Management Practices Manual, Department of Environmental Protection, No. 363-0300-002, (December 30, 2006).
 - (2) The vegetative cover must have a minimum uniform 90 percent perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation. The 90 percent standard exceeds the 70 percent standard as in 25 Pa. Code § 102.22(a)(i), as the vegetation may be typically the primary and only BMP used for solar panel farms.
 - (a) A meadow condition is preferable especially for projects located on slopes between 5-10 percent.
 - (b) If areas under the solar panels must be mowed, then the vegetative cover should not be cut to less than 4 inches in height.
 - (c) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with an approved E&S Plan.
- C. The individual photovoltaic panels within an “array” are arranged in a fashion that:
- (1) Allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff.
 - (2) Allows for the growth of vegetation beneath the panel and between “arrays.”
- D. Ground mounted solar panels that are supported with structures/foundations require little earth disturbance for their installation/construction. Unless evidence is provided to the contrary, it will be assumed that for these ground mounted solar panels themselves (not including access drive, etc.) will disturb five (5) percent of the total project area.
- E. Solar panels must be situated on slopes of ten (10) percent or less.
- F. The lowest vertical clearance of the solar “array” should be ten (10) feet or less from the surface of the ground but must be of adequate height to promote vegetative growth below the “array”. Limiting the height of the solar “array” will minimize the potential for accelerate erosion to occur along the drip line of the solar “array”.
- G. Alternate designs may be proposed for review and consideration to the Zoning Officer in consultation with the Township Engineer. If found by the Zoning Officer and Township Engineer to be a demonstrably acceptable alternative, then the proposal shall be forwarded to the Board of Supervisors.
- H. The Board of Supervisors may, at their sole discretion, approve the alternative design.

10. Non-conformance.

A. Building-mounted systems:

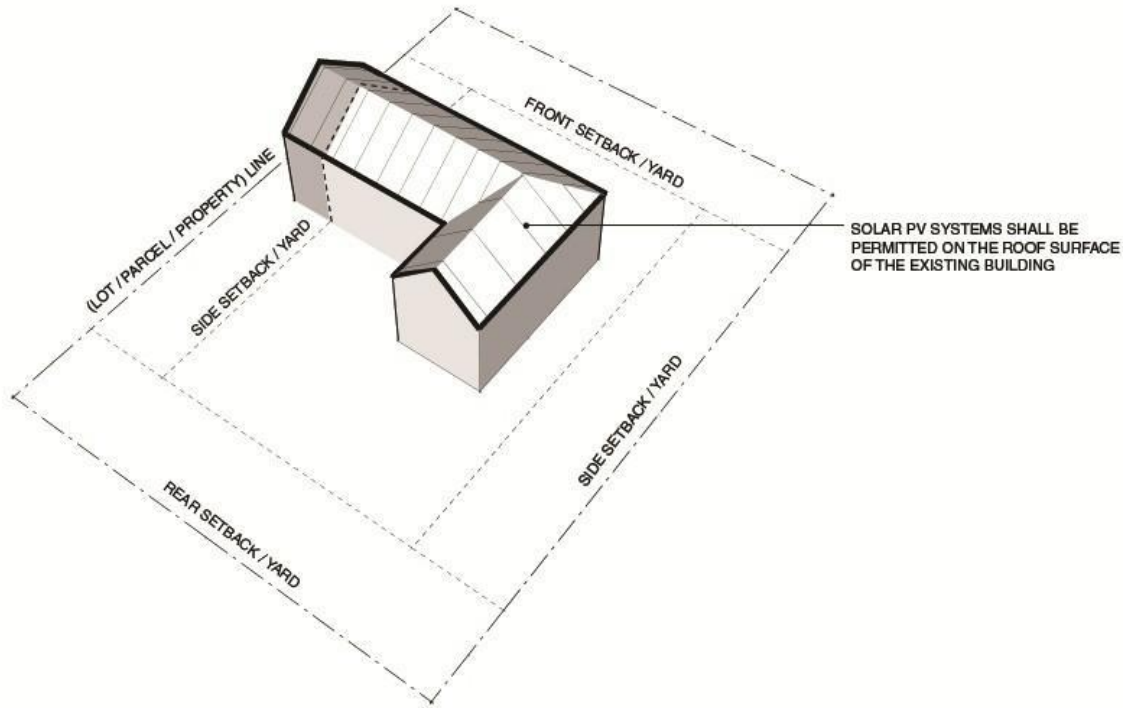
- (1) If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted and provided it complies with the other provisions of this Ordinance.

NON-CONFORMING BUILDING, SLOPED ROOF FACING FRONT YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION



- (2) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

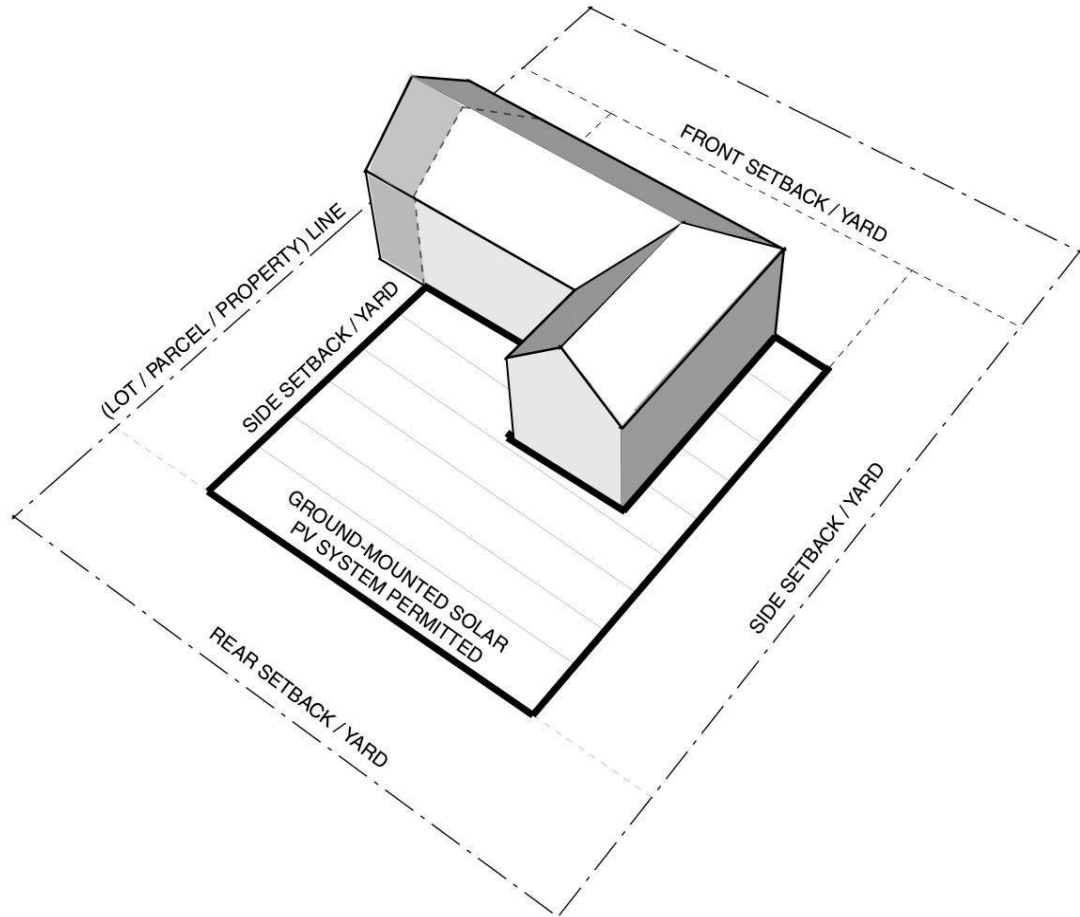
NON-CONFORMING LOT, SETBACKS, AND / OR LOT COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM
ISOMETRIC



B. Ground-mounted systems:

- (1) If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

**NON-CONFORMING LOT, SETBACKS: GROUND-MOUNTED SOLAR PV SYSTEM
ISOMETRIC**



11. Signage.

- A. No signage or graphic content may be displayed on the solar photovoltaic system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12. Performance Requirements.

- A. All solar photovoltaic systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

13. Inspection, Safety and Removal.

- A. The Township reserves the right to inspect a solar photovoltaic system for building or fire code compliance and safety.
- B. If upon inspection the Township determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within a

reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the property owner of his or her right to appeal such determination.

- C. If a property owner fails to repair or remove a solar photovoltaic system as ordered, and any appeal rights have been exhausted, the Township may enter the property, remove the system and charge the property owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the property owner's expense.
- D. In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a vacated abandoned or de-commissioned solar photovoltaic system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Township shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq., for the cost of such work, six (6) percent interest per annum, plus a penalty of five (5) percent of the amount due plus attorney's fees and costs incurred by the Township in connection with the removal work and the filing of the Township's claim.

14. Permit Requirements.

- A. Before any construction or installation on any solar photovoltaic system shall commence, a permit issued by Lower Nazareth Township shall be obtained to document compliance with this Ordinance.

§ 613 Small Wind Energy Systems.

- 1. Intent. The intent of these regulations is to promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility- supplied electricity.
- 2. Review and Permitting.
 - A. A small wind energy system shall be permitted as an accessory use on any lot of at least 1 acre in size located in the TD1 Agriculture district, subject to compliance with the following ordinance provisions:
 - (1) A zoning permit shall be required for the installation of a small wind energy system. No more than one small wind energy system may be placed on any lot.
 - (2) In addition to any other requirements or application procedures, the zoning permit application shall be accompanied by a plot plan that includes the following:
 - (a) Property lines and physical dimensions of the property.
 - (b) Location, dimensions, and types of existing principal and accessory structures on the property.
 - (c) Location of the small wind energy system tower.
 - (d) The right-of-way delineation of any public road that is contiguous with the property.
 - (e) Any overhead utility lines.

- (f) Any easements.
- (g) Small wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
- (h) Detailed tower and tower foundation drawings, stamped and sealed by a Pennsylvania licensed professional engineer.
- (i) A map of the 200-foot area surrounding the subject property showing all affected lands and structures at a legible scale.

3. Tower Height.

- A. Tower heights of not more than 80 feet shall be allowed on parcels between 1 and 2 acres. Properties over 2 and up to 5 acres may have tower heights up to and including 140 feet. For property sizes of 5 acres or more, there is no limitation on tower height except as imposed by FAA regulations, provided that evidence is provided that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

4. Setbacks.

- A. Setbacks for the system tower shall be no closer to the property line than the height of the system and, no part of the system, including guy wires anchors, may extend closer than 10 feet to the property boundary. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 6 feet above the guy wire anchors.

5. Compliance.

- A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.
- B. Permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis may be supplied by the manufacturer.
- C. Small wind energy systems shall comply with all applicable FAA regulations, including any necessary approvals for installations close to airports.
- D. Small wind energy systems shall comply with all applicable State construction and electrical codes. The owner/operator of the small wind energy system must also obtain any permits required by other Federal, State and local agencies/departments prior to erecting the system.

6. Noise and Interference. See Township Ordinance No. 45.

7. Appearance and Lighting.

- A. The small wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information. No small wind energy system shall have any flags, streamers, banners, or other decorative items that extend from any part of the system, placed on it at any time.
- B. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

8. Safety Features.

- A. The small wind energy system shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
- B. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of 8 feet above the ground elevation.
- C. All electrical wires associated with a small wind energy system shall be located underground when practicable. All wires not located underground including, but not limited to, wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires, shall be contained within an appropriate conduit suitable for same.
- D. No portion of the small wind energy system blade shall extend within 20 feet of the ground.

9. Notification.

- A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- B. When application is made for approval of a small wind energy system, notification in written form shall be provided to the owners of all properties adjacent and within 200 feet of the lot on which the system is to be constructed.

10. Meteorological Towers.

- A. A meteorological tower shall be permitted under the same standards, permit requirements, and procedures as a small wind energy system.

11. Removal.

- A. A small wind energy system that is out-of-service for a continuous 12- month period will be deemed to have been abandoned. Non-function or lack of operation may be proven by reports from the interconnected utility. The owner/operator shall make

available to the zoning administrator all reports to and from the purchaser of energy from the small wind energy system if requested.

- B. If the small wind energy system is determined to be abandoned, the owner of the small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of notice of abandonment. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.

12. Violations.

- A. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this Section or any condition contained in a building permit issued pursuant to this Section. Small wind energy systems installed prior to adoption of this Section are exempt.

§ 614 Small Wireless Facilities.

1. Purpose. The purpose of this Section is to establish policies and procedures for the placement of Small Wireless Facilities and associated utility poles in rights-of-way within Lower Nazareth Township, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Township's rights-of-way and the Township as a whole.

2. Intent. In enacting this Chapter, the Township is establishing uniform standards to address issues presented by Small Wireless Facilities, including, without limitation, to:

- A. Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain Township corridors, and other public ways and places;
- B. Limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- C. Limit interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
- D. Limit environmental damage, including damage to trees;
- E. Respect the character of the neighborhoods and other areas in which facilities are installed; and
- F. Facilitate rapid deployment of Small Wireless Facilities to provide the benefits of advanced wireless services to the Township and its residents.

3. Fees.

- A. All fees associated with application permits and/or right-of-way use shall be required in accordance with the Lower Nazareth Township Schedule of Fees
- B. Township may amend the fee from time to time by resolution of the Township Commissioners to a rate not to exceed the maximum rate which is found to be permitted by the Federal Communications Commission and/or Small Wireless Facilities Deployment Act.

4. Permitting Process.

- A. Permits required. An application is required to be submitted to obtain a permit to perform any of the following work within the right-of-way. For the purpose of this section, the term “right-of-way” does not include a Federal interstate highway.
- (1) Collocate, maintain and modify Small Wireless Facilities.
 - (2) Replace existing utility poles for collocation.
 - (3) Install new utility poles with attached Small Wireless Facilities.
- B. Permits not required. An application is not required for the following:
- (1) Routine maintenance.
 - (2) The replacement of a Small Wireless Facility that is substantially similar or smaller in size, weight, and height.
 - (3) For the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code.
 - (4) Except that a permit may be required to perform work within the right-of-way that involves excavation, closure of a sidewalk or closure of a vehicular lane.
- C. Application Requirements. An application shall be made by the wireless provider or its duly authorized representative, on a form, paper or electronic, provided by the Township and shall contain the following:
- (1) The wireless provider's name, address, telephone number, and e-mail address.
 - (2) The applicant's name, address, telephone number, and e-mail address, if different than the wireless provider, and its interest in the work.
 - (3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 - (4) A general description of the proposed work and the purposes and intent of the Small Wireless Facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
 - (5) A site plan in accordance with § 102, with sufficient detail to show the proposed location of items the applicant seeks to install in the right-of-way, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
 - (6) An attestation that the Small Wireless Facilities will be operational for use by a wireless services provider within one year after the permit issuance date, unless the Township and the applicant agree to extend this period.

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- (7) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.
 - (8) When applicable, whether each Small Wireless Facility is proposed to be installed on an existing pole or structure or a new pole or structure.
 - (9) When applicable, the name of the owner of the pole or structure on which the Small Wireless Facility is proposed to be installed and the address, phone number, email address of the owner's contact person.
 - (10) If a Small Wireless Facility is proposed to be installed on a pole or structure owned by a party other than the applicant, the application shall be accompanied by a written confirmation of the owner's agreement to allow the applicant to locate each Small Wireless Facility on such owner's pole or structure.
 - (11) Documentation of both narrative and drawings indicating the size of each proposed Small Wireless Facility, the height of the pole or structure on which each is proposed to be installed, and the cubic volume of each Small Wireless Facility.
- D. Consolidated Applications. An applicant may submit a consolidated application for up to twenty (20) Small Wireless Facilities.
- (1) An applicant shall not exceed one (1) application for twenty (20) Small Wireless Facilities in a thirty (30) day period.
 - (2) The denial of one or more Small Wireless Facilities in a consolidated application shall not delay processing of any other Small Wireless Facilities in the same consolidated application.
 - (3) If the Township receives more than one (1) consolidated application or twenty (20) single applications within a forty-five (45) day period, the processing deadline shall be extended fifteen (15) days in addition to the ten (10) day processing and initial review.
5. Action on Permit Applications.
- A. Application review for completeness. Within ten (10) business days of receiving an application, the Township shall determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.
 - B. Deadlines. An application shall be processed on a nondiscriminatory basis and deemed approved if Township fails to approve or deny the application within sixty (60) days of receipt of a complete application to collocate and within ninety (90) days of receipt of a complete application to replace an existing utility pole or install a new utility pole with Small Wireless Facilities attached. A permit associated with an application deemed approved under this subsection shall be deemed approved if the Township fails to

approve or deny the permit within seven business days after the date of filing the permit application with the Township unless there is a public safety reason for the delay.

C. Denial.

(1) A Township may deny an application under this section only if any of the following apply:

- (a) The Small Wireless Facility materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement.
- (b) The Small Wireless Facility fails to comply with applicable codes.
- (c) The Small Wireless Facility fails to comply with the requirements specified under Small Wireless Facilities Deployment Act.
- (d) The applicant fails to submit a report by a qualified engineering expert which shows that the Small Wireless Facility will comply with applicable FCC regulations.

(2) Within the timeframe established under subsection B, the Township shall document the basis for a denial, including the specific provisions of applicable codes on which the denial was based, and send the documentation to the applicant within five (5) business days of the denial.

(3) The applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other sections of the application that were not previously denied, the Township shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

D. Utility Poles. When applying to install a new utility pole under this act, the Township may require the wireless provider to demonstrate that it cannot meet the service reliability and functional objectives of the application by collocating on an existing utility pole or municipal pole instead of installing a new utility pole. The Township may require the wireless provider to self-certify that the wireless provider has made this determination in good faith and to provide a documented summary of the basis for the determination. The wireless provider's determination shall be based on whether the wireless provider can meet the service objectives of the application by collocating on an existing utility pole or municipal pole on which:

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- (1) The wireless provider has the right to collocation.
 - (2) The collocation is technically feasible and would not impose substantial additional cost.
 - (3) The collocation would not obstruct or hinder travel or have a negative impact on public safety.
6. Approval. Approval of an application authorizes the applicant to:
 - A. Collocate on an existing utility pole, modify or replace a utility pole or install a new utility pole with Small Wireless Facilities attached as identified in the initial application.
 - B. Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain Small Wireless Facilities and any associated equipment on a utility pole covered by the permit for a period of not less than five (5) years, which shall be renewed for two (2) additional five (5) year periods if the applicant is in compliance with the criteria set forth in this act or applicable codes consistent with the Small Wireless Facilities Deployment Act and the applicant has obtained all necessary consent from the utility pole owner.
 - C. Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Ordinance and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the right-of-way.
 7. Design Criteria.
 - A. Permitted Locations.
 - (1) New utility poles and relocated utility poles shall only be placed:
 - (a) At lot lines.
 - (b) At existing utility easements other than parallel to the right-of-way.
 - (c) At roadway intersections.
 - (d) Within lot lines of lots exceeding four hundred (400) linear feet of frontage, but not in front of any occupiable structure.
 - (e) Outside of any required clear sight distance restrictions.
 - B. Restricted Locations.
 - (1) Wireless facilities may not be located within any established visual or sightline easement.
 - (2) Wireless facilities may not be located in underground districts.
 - (3) Any area, development, neighborhood, street, etc. without above ground utilities other than Township poles and attachments shall be considered an underground district.

- (4) Except the Township Engineer and Zoning Officer may authorize the replacement of Township poles in the designated area upon good cause shown, as determined by the Township Engineer and Zoning Officer.
- (5) Wireless facilities in any area, development, neighborhood, street, etc. with only Township approved streetlights or Township poles and attachments as above ground utilities, may only be installed on a new or replacement pole with approval of the Zoning Officer and Township Engineer.

C. Size Limits.

- (1) Each new or modified Small Wireless Facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:
 - (a) The installation of a Small Wireless Facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
 - (b) If collocation on an existing utility pole cannot be achieved under section 4(i) of the Small Wireless Facilities Deployment Act, a Small Wireless Facility may be installed on a new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and Small Wireless Facility, shall not be taller than fifty (50) feet above ground level.
- (2) Subject to the provisions of this act, a wireless provider may collocate or install a new utility pole with Small Wireless Facilities attached that exceeds these height limits by including a height limit waiver request or variances in the application. Height limit waivers or variances shall be processed subject to applicable codes.
- (3) Small Wireless Facility installations shall be limited as follows:
 - (a) The total volume of antennas shall not exceed nine (9) cubic feet per utility pole; and
 - (b) The total volume of the antenna and associated equipment shall not exceed twenty-eight (28) cubic feet per utility pole.
- (4) No wireless equipment shall be installed less than:
 - (a) Eighteen (18) feet above a vehicular way; or
 - (b) Ten (10) feet above pedestrian way, except where projection beyond the utility pole is less than four (4) inches.

8. General Design Requirements.

- A. The Township may adopt by resolution Small Wireless Facility Design Guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably matches the aesthetics and character of the immediate area. Technically feasible shall be interpreted as by virtue of engineering or spectrum usage, the proposed placement for a Small Wireless Facility or its design or site location can be implemented without a material reduction in the functionality of the Small Wireless Facility.

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- B. The Small Wireless Facility Design Guidelines may include Small Wireless Facility preferences including visual depictions.
 - C. The provisions in this Ordinance shall not limit or prohibit the Township's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, Small Wireless Facility Design Guidelines so long as the information, materials, or requirements do not conflict with state or federal law.
 - D. All Small Wireless Facilities and associated equipment located within the public right-of-way shall be located such that it meets all accessibility & ADA requirements, does not hinder, obstruct, or impede usual pedestrian and vehicular traffic.
 - E. The Township shall have the authority to update or supplement the Small Wireless Facility Design Guidelines to address relevant changes in law, technology, or administrative process.
 - F. Wireless Support Structure and Utility Pole Design Standards.
 - (1) General Guidance.
 - (a) Small Wireless Facility equipment must be indistinguishable from the support pole or structure to the greatest degree possible using matching colors, textures, and materials. The antennas and related equipment shall be in a color that will provide the most camouflage.
 - (b) All wires, antennas, and other Small Wireless Facility equipment shall be enclosed and not visible.
 - (c) Screening and equipment enclosures shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment.
 - (d) Casing to enclose all wires, antennas, and other Small Wireless Facility may be mounted on top of existing and new poles in a cylinder shape to look like a natural extension of the pole. Such mounting shall be in accordance with size limits.
 - (e) Utility pole installations, replacements, and modifications relating to Small Wireless Facility collocations shall be fabricated from material having a degree of strength capable of supporting the Small Wireless Facility, and shall be capable of withstanding wind forces and ice loads in accordance with applicable Township and State codes.
 - (f) Wires and cables connecting the antenna and appurtenances serving the Small Wireless Facility shall be installed in accordance with the version of the National Electrical Code and National Electrical Safety Code adopted by the Township and in force at the time of installation. In no event shall wiring and cabling serving the Small Wireless Facility interfere with any wiring or

cabling installed by a cable television or video service operator, electric utility, or telephone utility.

- (g) Guy wires and similar support structures may not be used as part of the installation of any Small Wireless Facility, unless the Small Wireless Facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the small wireless application.
- (h) Brand logos and other signage are prohibited on all Small Wireless Facilities except contact information to be used by workers on or near the Small Wireless Facilities and as otherwise required by state or federal law. Signage will be no larger than required to be legible from street level.

G. Waivers.

- (1) A Wireless Provider may seek a waiver of the requirements in Section 6, which may be granted by the Township Engineer and Zoning Officer or their designee, upon good cause shown, as determined by the Township Engineer and Zoning Officer. Such waivers shall be granted in a nondiscriminatory manner.

9. Time Limit for Work.

- A. The proposed collocation, the modification or replacement of a utility pole or the installation of a new utility pole with Small Wireless Facilities attached for which a permit is granted under this Ordinance shall be completed within one year of the permit issuance date unless the Township and the applicant agree in writing to extend the period.

10. Removal of Equipment.

- A. Within sixty (60) days of suspension or revocation of a permit due to noncompliance with this act or applicable codes consistent with the Small Wireless Facilities Deployment Act, the applicant shall remove the Small Wireless Facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole, after receiving adequate notice and an opportunity to cure any noncompliance.
- B. Within ninety (90) days of the end of a permit term or an extension of the permit term, the applicant shall remove the Small Wireless Facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless facilities and associated equipment are the only facilities on the utility pole.
- C. The Township retains the right to cut or move any Small Wireless Facilities or utility poles located within the right-of-way, as the Township may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the Township shall notify the wireless provider and provide it an opportunity to move its Small Wireless Facilities or utility poles prior to cutting or removing them, and in all circumstances shall promptly notify the wireless provider after cutting or removing a Small Wireless Facility or utility pole.

- D. The Township may require a wireless provider to remove an abandoned Small Wireless Facility or utility pole permitted hereunder within 180 days of abandonment. Should the Wireless Provider fail to timely remove the abandoned Small Wireless Facility or utility pole, the Township, upon providing sixty (60) days prior written notice to Provider, may remove the Small Wireless Facility or utility pole to be removed and may recover the actual cost of such removal from the Wireless Provider. A Small Wireless Facility or utility pole shall be deemed abandoned at the earlier of the date that the wireless provider indicates in any way that it is abandoning the Small Wireless Facility or utility pole, or the date that is 180 days after the date that the Small Wireless Facility or utility pole ceases to be used, unless the wireless provider gives the Township reasonable evidence that it is diligently working to place the Small Wireless Facility or utility pole back in service.

11. Restoration of Right-of-way.

- A. A wireless provider shall repair all damage to the right-of-way or any other land so disturbed, directly caused by the activities of the wireless provider or the wireless provider's contractors and return the right-of-way in as good of condition as it existed prior to any work being done in the right-of-way by the wireless provider. If the wireless provider fails to make the repairs required by the Township within thirty (30) days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty not to exceed that which is otherwise authorized by Township statute. The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty.

§ 615 Conservation Easements.

At a minimum, any conservation easement established to meet a requirement of a Township ordinance shall restrict uses of the land in a manner closely similar to all of the following:

1. The vast majority of the land shall be preserved in a near-natural or landscaped state or for agricultural uses,
2. No new principal buildings may be constructed on the lot, other than for non-commercial recreation or as necessary to support on-site agricultural activities,
3. The land shall not be used for any mineral extraction, commercial or industrial activities, other than agriculture or the growing of trees and plants for re-planting or for Christmas Tree sales or a lawful home occupation,
4. The lot shall not be further subdivided,
5. Currently forested areas shall be maintained as forests, with only carefully selective cutting of trees in such a way as to preserve the character of such lands as forested lands, without any clear-cutting,

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6. The land shall not be used for storm water management facilities; and
 7. A maintenance escrow or other arrangement guaranteeing maintenance of the easement area in a form acceptable to the Township Solicitor and Board of Supervisors shall be provided by the property owner when deemed applicable by the Board of Supervisors.

§ 616 Common Open Space.

1. Design. Common Open Space shall be designed for active or passive recreation by residents of a development and/or the general public.
2. Maintenance. Common Open Space shall be covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.
3. Ownership. Common Open Space shall be deeded to the Township and/or deed restricted to permanently prevent uses of land other than “common open space” and non-commercial recreation.
4. Prohibited Placement. Common Open Space shall not be permitted to use any of the following areas to meet minimum open space requirements:
 - A. Existing or established future street rights-of-way,
 - B. Vehicle streets or driveways providing access to other lots,
 - C. Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
 - D. Off-street parking (other than that clearly intended for noncommercial recreation),
 - E. Area(s) needed to meet a requirement for an individual lot,
 - F. Area(s) deeded over to an individual property owner for his/her own exclusive use, except for land approved by the Township for agricultural preservation,
 - G. Land beneath or within 50 feet of each side of each of the following:
 - (1) Overhead electrical transmission lines of 35 kilovolts or greater capacity,
 - (2) The towers/poles supporting such lines,
 - H. For land intended to be open to the public, that does not have provisions for entry with a 20 feet minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
 - I. Land that includes a stormwater detention basin, except for a basin or portions of a

basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,

- J. Portions of land that have a width of less than 20 feet,
- K. Land that includes commercial recreation uses, except as may specifically be Permitted to be counted towards a common open space requirement by a specific provision of this Ordinance, and
- L. Land that includes a central sewage treatment plant or a stormwater facility, except as provided for above.

§ 617 Commercial Communications Facilities.

1. Purpose. The purpose of this regulation is to provide a uniform and comprehensive set of standards for the development and installation of Commercial Communications Facilities (CCF). The regulations contained herein are designed to protect and promote public health, safety, and the general welfare of the community while ensuring that CCFs will be safe and be placed in suitable locations and at the same time not unduly restricting the development of needed telecommunications facilities. These regulations will also help in ensuring that municipal land use regulations are in compliance with the Federal Telecommunications Act of 1996, as amended.
2. Definitions.
 - A. Antenna. Any device used for the transmission of radio, television, wireless telephone, pager, commercial mobile service, or any other wireless signals.
 - B. Co-location. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals (or other transmissions developed in the future) for communications purposes.
 - C. Distributed Antennae System or DAS. A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.
 - D. Equipment Compound. An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory/related equipment is stored.
 - E. FCC. Federal Communications Commission.
 - F. Modification. The co-location, improvement, upgrade, expansion, removal, or replacement of an antenna or any other transmission equipment associated with the supporting structure.
 - G. Monopole. A CCF or site which consists of a single pole structure, designed and erected

on the ground or on top of a structure to support communications antennae and related equipment.

- H. Non-Tower Commercial Communications Facility /Non-tower CCF). Any equipment that facilitates the transmission for any FCC licensed or authorized wireless commercial communications service, including but not limited to antennae, transmitters, receivers, cabling, power supplies, and accessory equipment associated with and necessary for their operation. This shall not include support structures, such as monopoles, poles, towers, etc.
- I. Replacement. The replacement of non-tower CCF or transmission equipment on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight, and height as the CCF initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.
- J. Substantial Change or Substantially Changed. The modifications or proposed modifications to the physical dimensions of a tower, tower- based CCF, or base station that meet any of the following criteria:
- K. Towers outside rights-of-way
 - (1) It increases the height by more than 10 percent or by the height of one antenna array with the separation from the nearest existing antenna not to exceed twenty (20) feet or, whichever is greater.
 - (2) It protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
- L. Towers inside rights-of-way
 - (1) It increases the height of the tower by more than ten (10) feet or 10 percent, whichever is greater. It protrudes from the edge of the tower more than six(6) feet.
 - (2) The installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets.
 - (3) The installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets.
- M. Base stations (regardless of location)
 - (1) It increases the height of the structure by more than ten (10) feet or 10 percent, whichever is greater.

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- (2) It protrudes from the edge of the structure more than six (6) feet.
 - (3) The installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets.
 - (4) The installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets.
- N. It involves the installation of more than the standard number of new equipment cabinets for technology involved, but not to exceed four cabinets.
 - O. It entails the excavation or deployment outside the current site of tower, wireless support structure, or base station.
 - P. It would defeat the existing concealment elements of the tower, wireless support structure, or base station.
 - Q. It does not comply with the conditions associated with the prior approval of the tower, wireless support structure, or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.
 - R. Tower-Based Commercial Communications Facility (Tower-based CCF). Any structure that is built and used for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennae, and their associated facilities. DAS hub facilities are considered to be tower-based CCFs. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flagpole or other similar structure designed and constructed for a sole or primary purpose other than supporting any FCC licensed or authorized antennas and their associated facilities shall not be considered a tower.
 - S. Wireless Commercial Communications Services. Wireless telecommunications services, such as, but not limited to, paging, cellular phones, internet, and other satellite telecommunication, which are generally operated by a service provider for commercial use. This excludes cable television services utilizing satellite delivery.
 - T. Wireless Support Structure. A freestanding structure, such as a tower-based CCF, monopole, tower, base station or any other support structure that could support the placement or installation of a CCF if approved by the Township.
3. Tower-Based Commercial Communications Facilities
- A. General requirements for all tower-based CCFs. The following regulations shall apply to all tower-based CCFs:
 - (1) Standard of care. The CCF applicant shall present documentation that the tower-based CCF shall be designed, constructed, operated, maintained, repaired,

modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most-recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based CCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

- (2) Structural requirements.
 - (a) Any tower-based CCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI EIA/TIA-222-E Code, as amended).
 - (b) A copy of the structural analysis, signed and sealed by a registered structural engineer licensed in the Commonwealth of Pennsylvania, shall be submitted to the Township.
- (3) Public safety communications. No tower-based CCF shall interfere with public safety communications, or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (4) Maintenance. The following maintenance requirements shall apply:
 - (a) Any tower-based CCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
 - (d) Guyed-towers and other wireless support structures shall be inspected every three (3) years and self-supporting towers/monopoles shall be inspected every five (5) years. All towers shall be inspected after severe wind (sustained tropical storm or hurricane force winds) or ice storms or other extreme loading conditions. Inspection reports shall be prepared by a licensed Professional Engineer and submitted to the Township engineer for review.
- (5) Radio frequency emissions. No tower-based CCF may, by itself or in conjunction with other CCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of

Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (6) Historic buildings or districts. No tower-based CCF may be located on a building, structure, or site that is listed on either the National or Pennsylvania Register of Historic Places or has been designated by the Township as being of historic significance.
- (7) Identification. All tower-based CCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township.
- (8) Lighting and signage. No signs or lights shall be mounted on a tower-based CCF except as required by law, the FCC, the Federal Aviation Administration or any other governmental agency having jurisdiction over the same. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Emergency lighting for any accessory facility/building and signage as allowed in subsection 7 above, is permitted, subject to Township review and approval.
- (9) Appearance. Towers shall be galvanized and/ or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.
- (10) Noise. Tower-based CCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (11) Aviation safety. Tower-based CCFs shall comply with all federal and state laws and regulations concerning aviation safety and applicable airport zoning regulations.
- (12) Notice. Upon receipt of an application for a tower-based CCF, the Township shall mail notice thereof to the owner or owners of every property within 500 linear feet of the property or parcel of the proposed facility.
- (13) Retention of experts. The Township may hire any consultant(s) and/ or expert(s) necessary to assist the Township in reviewing and evaluating the applications for approval of the tower-based CCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/ or owner of the CCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (14) FCC license. The applicant shall submit to the Township a copy of its current FCC license, the name, address, emergency number, and operator of the facility.

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- (15) Insurance. Each person that owns or operates a Tower Based CCF, shall provide the Township with proof of insurance. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum of \$1,000,000 occurrence covering the communication facility is required. The Township, its employees, Engineer, Solicitor, Planner, and other relevant professional shall be named additional insured and the certificate shall provide, as a minimum, that the additional insured shall be notified not less than sixty (60) days in advance of the insurance not being renewed or being cancelled for any reason.
 - (16) Timing of decision. Within thirty (30) calendar days of the date that an application for a tower-based CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications, including land development, for tower-based CCF's shall be acted upon within ninety (90) days of the receipt of a fully completed application for the approval of such tower-based CCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the ninety (90) day review period.
 - (17) Non-conforming uses. Non-conforming tower-based CCF's which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.
 - (18) Indemnification. Each person that owns or operates a tower- based CCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, engineer, solicitor, planner, agents, and other relevant professional consultants, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of but not limited to the construction, installation, operations, maintenance, or removal of a tower-based CCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorney's fees, reasonable expert fees, court costs, and all other costs of indemnification.
 - (19) Removal/financial security. In the event that use of a tower- based CCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. If it remains unused for a period of six (6) consecutive months, the Township will provide notice to the owner/operator to remove the tower.
 - (20) Unused or abandoned tower-based CCFs or portions of tower-based CCFs shall be removed as follows:

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- (a) All unused or abandoned tower-based CCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site or from the time the municipality provides notice unless a time extension is approved by the Township.
 - (b) If the tower-based CCF and/ or accessory facility is not removed within six (6) months of the cessation of operations at a site, from the time the municipality provides notice, or within any longer period approved by the Township, the tower-based CCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the tower-based CCF.
 - (c) Prior to the issuance of a zoning permit, the owner/operator of the tower-based CCF shall post security, in a form acceptable to the Township, favoring the municipality, to assure the faithful performance of the terms and conditions of this section. Security shall be an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the Township in the event the owner or operator of the tower-based CCF does not remove the facility as outlined in subsections (a) and (b) above or to recover any and all compensatory damages incurred by the Township for violations of this section, after reasonable notice and opportunity to cure.
 - (d) The Township must approve all replacements of portions of a tower-based CCF previously removed.
- B. Tower-based CCFs outside the rights-of-way. The following regulations shall apply to tower-based commercial communications facilities located outside the rights-of-way.
- (1) Development Regulations.
 - (a) Gap in coverage. An applicant for a tower-based CCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of CCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based CCFs.
 - (b) Height. Any tower-based CCF outside of the rights-of- way, shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet. However, such height may be increased to no more than two hundred (200) feet, provided the setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet and the applicant must submit documentation to the Township justifying the total height of the structure. Height shall include all subsequent additions or alterations.

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- (c) Sole use on a lot. A tower-based CCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.
 - (d) Combined with another use. A tower-based CCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
 - 1) The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the communications facility.
 - 2) The tower-based CCF may occupy a leased parcel within a lot meeting the minimum lot size for the zoning district. The leased parcel shall be, at a minimum, the area needed to accommodate the tower-based CCF and guy wires, the equipment building, security fence, and buffer planting.
 - 3) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable district.
 - 4) Minimum Setbacks. The tower-based CCF and accompanying equipment building shall not be located in the minimum front, rear, or side yard setbacks for the applicable zoning district. Further, no tower-based CCF shall be located within two hundred (200) feet of any occupied building.
 - 5) Vehicular access to the tower-based CCF shall not interfere with parking or circulation on the site.
 - (2) Co-location. An application for a new tower-based CCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based CCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based CCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 - (3) Design Regulations.
 - (a) The tower-based CCF shall employ the most current standards available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

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- (b) Any height extensions to an existing tower-based CCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon land use impact or any other lawful considerations related to the character of the Township.
 - (c) Any proposed tower-based CCF shall be designed structurally, electrically, and in all respects to accommodate both the CCF applicant's antennas and comparable antennae for future users. At a minimum, the structure and wind load should be able to accommodate a ten (10) percent increase in height or one additional array, not to exceed a total height of more than two hundred (200) feet.
 - (d) Surrounding Environment.
 - 1) The CCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the CCF structure shall be preserved to the maximum extent possible.
 - 2) The CCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the tower-based CCF, and anchors for guy wires, if used.
- (4) Fence/Screen.
- (a) A security fence having a maximum height of eight (8) feet shall completely surround any tower-based CCF, guy wires, parking, or any building/structure housing CCF equipment.
 - (b) An evergreen screen shall be required to surround the site of the proposed tower-based CCF. The screen shall either be a hedge (planted 3 feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum six (6) feet at planting and shall grow to a minimum fifteen (15) feet at maturity. The vegetation utilized should be deer resistant.
 - (c) The CCF applicant shall submit a landscape plan for review and approval by the Township for all proposed screening.
 - (d) Alternate forms of screening, other than the landscaping outlined in subsection 5(b), may be permitted if reviewed and approved by the Board of Supervisors.
- (5) Accessory Equipment.
- (a) Ground-mounted equipment associated with, or connected to, a tower-based CCF shall be underground. In the event that an applicant can demonstrate

that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view.

- (b) All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback and height requirements of the underlying zoning district.
- (6) Additional antennas. As a condition of approval for all tower-based CCFs, the CCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based CCFs where technically and economically feasible. The owner of a tower-based CCF shall not install any additional antennas without obtaining the prior written approval of the Township.
- (7) Access road/lease area. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower based CCFs. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the CCF owner shall present documentation to the Township that the property owner has granted an easement and/or signed a lease agreement for the proposed facility.
- (8) Parking. A minimum of two (2) off-street parking spaces shall be provided for a tower-based CCF.
- (9) Site plan required. In order to determine that the requirements of the special exception and this section are met, the applicant shall present a site plan showing, at a minimum, the following items:
 - (a) Locations of all existing uses and proposed CCFs.
 - (b) Elevations and drawings of any existing uses and proposed tower-based CCFs, showing proposed width, depth, height, architectural style and structural data for any towers, antenna, etc., proposed.
 - (c) Site boundary, lease area boundary, zoning data, setbacks/yards, and adjacent uses.
 - (d) Vehicular access, fencing, landscaping, utility and/or access easements.
- (10) Inspection. The Township reserves the right to inspect any tower-based CCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code or state or federal law. The Township and/ or

its agents shall have the authority to enter the property upon which a CCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

- C. Tower-based CCFs in the rights-of-way. The following regulations shall apply to tower-based commercial communications facilities located in the rights-of-way:
- (1) Prohibited in rights-of-way of collector and local roads. No tower-based WCF shall be located within the rights-of-way or future rights-of-way of any collector or local road as designated by the Township. Tower-based CCFs are permitted in all other existing rights-of-way.
 - (2) The applicant shall provide proof of authorization from the owner of the right(s)-of-way for the location(s) of the proposed tower(s).
 - (3) The application shall be accompanied by plans and other materials, as required by this section, describing the use and locations proposed. Such plans and other materials shall provide sufficient basis for evaluating the applicant's requests.
 - (4) Gap in coverage. An applicant for a tower-based CCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of CCF being proposed is the least-intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of tower-based CCFs in the ROW.
 - (5) Height. Any tower-based CCF in rights-of-way, shall be designed at the minimum functional height and shall not exceed a maximum total height of thirty-five (35) feet or 10 percent higher than the existing structure, which height shall include all subsequent additions or alterations. All tower-based CCF applicants must submit documentation to the Township justifying the total height of the structure.
 - (6) Co-location. An application for a new tower-based CCF in the ROW shall not be approved unless the Township finds that the proposed commercial communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a tower-based CCF in the ROW shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
 - (7) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based CCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

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- (8) Equipment location. Tower-based CCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
- (a) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb.
 - (b) Ground-mounted equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - (e) Any underground vaults related to tower-based CCF's shall be reviewed and approved by the Township.
- (9) Additional antennas. As a condition of approval for all tower-based CCFs in the ROW, the CCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower-based CCFs where technically and economically feasible. The owner of a tower-based CCF shall not install any additional antennas without obtaining the prior written approval of the Township.
- (10) Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a tower-based CCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any CCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - (b) The operations of the Township or other govern-mental entity in the right-of-way;
 - (c) Vacation of a street or road or the release of a utility easement; or
 - (d) An emergency as determined by the Township.

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- (11) Compensation for right-of-way use. In addition to permit fees, every tower-based CCF in the right-of-way is subject to the Township's right to, fix annually, a fair and reasonable compensation to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each tower-based CCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual right-of-way management fee for tower-based CCF's shall be determined by the Township and authorized by resolution of Township Board of Supervisors and shall be based on the Township's actual right-of-way management costs as applied to such tower-based CCF.

4. Non-Tower Commercial Communications Facilities.

A. General requirements for all non-tower CCFs and base stations.

- (1) Standard of Care. Any non-tower CCF that is considered a collocation, modification, or replacement shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower CCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township. The Township shall be notified of the use or storage of external power sources, such as batteries or fuel tanks.
- (2) Wind and load.
- (a) Any non-tower CCF that is considered a collocation, modification, or replacement shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI / EIA/ TIA 222-G Code, as amended).
- (b) The wireless support structure to which the non-tower CCF is attached shall be able to withstand the additional structural load of the collocation, modification, or replacement.
- (c) A copy of the structural analysis, signed and sealed by a registered engineer in the State of Pennsylvania, shall be submitted to the Township and

reviewed as a portion of the permitting process for collocations, modifications, or replacements.

- (3) Public Safety Communications. No non-tower CCF shall interfere with public safety communications, or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
 - (4) Aviation Safety. Non-tower CCF's shall comply with all federal and state laws and regulations concerning aviation safety.
 - (5) Radio Frequency Emissions. No non-tower CCF may, by itself or in conjunction with other CCF's, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
 - (6) Historic Buildings. Non-tower CCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or has been designated by the Township as being of historic significance.
- B. Non-tower CCF development regulations - no substantial change. If the Eligible Facilities Request for a non-tower commercial communication facility or base station is a collocation, modification, or a replacement that does not substantially change the existing wireless support structure, then the requirements contained herein, will be applicable.
- (1) Non-tower CCF's are permitted in all zoning districts.
 - (2) Building permit.
 - (a) Zoning permit required. Collocations, modifications, or replacements of non-tower CCF's or transmission equipment on existing wireless support structures or base stations are subject to the initial zoning or land use approvals for the previously approved wireless support structure or non-tower CCF, and subject only to the zoning permit review and approval process of the Township.
 - (b) No zoning permit required. Replacement of non-tower CCF's or transmission equipment on existing, Township-approved, wireless support structures or base stations, without an increase in wind or structural load, may be performed by the applicant without obtaining a zoning permit.
 - (3) Removal. In the event that use of a non-tower CCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. If it remains unused for a period of twelve (12) consecutive months, the Township will provide notice to the owner/operator to remove the tower.

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- (4) Unused or abandoned non-tower CCFs or portions of non-tower CCFs shall be removed as follows:
- (a) All abandoned or unused non-tower CCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site, or from the time the municipality provides notice, unless a time extension is approved by the Township.
 - (b) If the non-tower CCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the non-tower CCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the non-tower CCF.
- (5) Timing of decision. Within thirty (30) calendar days of the date that an application for a collocation, modification, or replacement of a non-tower CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. If additional information is requested by the Township to complete an application, the time period for review may be tolled by mutual agreement. Within sixty (60) calendar days of receipt of the application, accounting for tolling, the Township must make a final decision regarding the application and shall advise the applicant in writing of such decision.
- (a) A determination of incompleteness must specifically delineate all missing information, and specify the code provision, ordinance, application instructions or otherwise publicly stated procedures that require the information to be submitted.
 - (b) Following an applicant's resubmission in response to a determination of incompleteness, the Township may reach a subsequent determination of incompleteness based solely on the applicant's failure to supply the specific information that was requested within the first 30 days.
 - (c) The 60-day review period begins running again when the applicant makes its supplemental resubmission; however, the review period may be tolled, once again, if the Township notifies the applicant within ten (10) days that the supplemental submission did not provide the specific information identified in the original notice delineating missing information.
- C. Non-tower CCF development regulations - substantial change. If the Eligible Facilities Request for a non-tower CCF or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure, then the requirements contained herein will be applicable.
- (1) Non-tower CCF's are permitted in all zoning districts subject to the initial zoning or land use approvals for the previously approved wireless support structure or

non-tower CCF. These CCFs are subject to zoning permit review and approval process of the Township.

- (2) Maintenance. The following maintenance requirements shall apply:
 - (a) Any non-tower CCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (3) Retention of experts. The Township may hire any consultant(s) and/ or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the non-tower CCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/ or owner of the CCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (4) Timing of decision. Within thirty (30) calendar days of the date that an application for a non-tower CCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
- (5) Removal. In the event that use of a non-tower CCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned non-tower CCFs or portions of non-tower CCFs shall be removed as follows:
 - (a) All abandoned or unused non-tower CCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - (b) If the non-tower CCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the non-tower CCF and/ or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the CCF.

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- (c) Prior to the issuance of a zoning permit, the owner/operator of the non-tower CCF shall post security, in a form acceptable to the Township, favoring the municipality, to assure the faithful performance of the terms and conditions of this section. Security shall be an amount to cover tower and/or antenna removal and site clean-up. The security shall be utilized by the Township in the event the owner or operator of the non-tower CCF does not remove the facility as outlined in subsections (a) and (b) above or to recover any and all compensatory damages incurred by the Township for violations of this section, after reasonable notice and opportunity to cure.
 - (6) Indemnification. Each person that owns or operates a non-tower CCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, engineer, solicitor, planner, agents, and other relevant professional consultants, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of but not limited to the construction, installation, operations, maintenance, or removal of a non-tower CCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorney's fees, reasonable expert fees, court costs, and all other costs of indemnification.
- D. Non-tower CCFs outside the rights-of-way. If the Eligible Facilities Request for a non-tower commercial communication facility or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure AND is located outside the right-of-way, then the requirements contained herein, will be applicable.
- (1) Development regulations. Non-tower CCFs shall be co-located on existing wireless support structures/base stations, subject to the following conditions:
 - (a) Such non-tower CCF does not exceed the maximum permitted height of the existing wireless support structure.
 - (b) If the non-tower CCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - (c) A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - (2) Design regulations.
 - (a) Non-tower CCFs shall be treated to match the supporting structure in order to minimize aesthetic impact.

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- (b) Non-tower CCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher.
 - (c) All non-tower based CCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - (d) Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
- (3) Inspection. The Township reserves the right to inspect any non-tower CCF to ensure compliance with the provisions of this Section and any other provisions found within the Township Code or state or federal law. The Township and/ or its agents shall have the authority to enter the property upon which a non-tower CCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- E. Non-tower CCFs in the rights-of-way. If the Eligible Facilities Request for a non-tower commercial communication facility or base station is a collocation, modification, or a replacement that substantially changes the existing wireless support structure AND is located in the right-of-way, then the requirements contained herein, will be applicable.
- (1) Co-location. Non-tower CCFs in the right-of-way shall be located on existing poles/base stations, such as existing utility poles or light poles or other wireless support structures.
 - (2) Design Requirements.
 - (a) Non-tower CCF installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - (b) Antennae and all support equipment shall be treated to match the supporting structure. Non-tower CCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 - (3) Equipment Location.
 - (a) Non-tower CCF's and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic,

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- or to otherwise create safety hazards to pedestrians and/ or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township.
- (b) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb;
 - (c) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be placed underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - (d) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (e) Any graffiti on the non-tower CCF or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
 - (f) Any underground vaults related to non-tower CCF's shall be reviewed and approved by the Township.
- (4) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower CCF's in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (5) Relocation or removal of facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a non-tower CCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any non-tower CCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
 - (b) The operations of the Township or other governmental entity in the right-of-way;

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- (c) Vacation of a street or road or the release of a utility easement; or
 - (d) An emergency as determined by the Township.
- (6) Compensation for right-of-way use. In addition to permit fees, every non-tower CCF in the right-of-way is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the Right-of-Way. Such compensation for right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each non-tower CCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual right-of-way management fee for non-tower CCF's shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual right-of-way management costs as applied to such non-tower CCF.

§ 618 Honey Bee Apiaries.

Honey Bee Apiaries shall comply with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101 et seq., as amended) and subject to the following regulations:

1. Registration, Certification and Permits.

- A. No beekeepers may own or maintain an apiary within the Township without first registering and maintaining a current permit for all apiaries with the Department as required by the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
- B. A beekeeper owning or maintaining an apiary in the Township shall promptly notify the Zoning Officer or appropriate office without unnecessary delay, and in no event longer than 72 hours, if the Department revokes said apiary registration or if said registration has lapsed.
- C. No beekeeper shall own or maintain a Honey Bee Apiary within the Township without first obtaining a registration permit from the Township. An application for a one-time registration permit shall be made in writing and upon supplied form or in such format as established by the Township. The application shall be accompanied by a lot plan that includes the size of the lot, the location and number of hives, the location of the water source, the distance of the hives from any property lines, and, if required, the location of any flyway barriers. The issuance of a permit shall not obviate the necessity for compliance with all other municipal ordinances.
- D. Fees. See the Township Fee Schedule.
- E. The application for a municipal permit shall also be accompanied by written evidence

that the applicant has completed a beekeeping educational course/program with a minimum of eight (8) hours of instructions or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club or a certified Master Beekeeper.

- F. Beekeepers that wish to own or maintain an apiary on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the Township as part of the beekeeping registration application.
2. Location and Colony Density. Placement of an apiary on a residential property should conform to the following regulations so as to minimize and eliminate an possible concerns to adjoining neighbors:
- A. Hive Location and Density.
- (1) Location of hives must comply with the following criteria:
- (a) Hives shall not be located within ten (10) feet of any side or rear property line unless a flyway barrier is in place or the hive(s) are located at least ten (10) feet above grade.
 - (b) Hives shall not be located within a front yard.
 - (c) Hives shall not be located within fifty (50) feet of a pre-existing swimming pool or a pre-existing kenneled animal.
 - (d) Apiaries are not permitted within ten (10) feet any buildings located on adjacent properties.
- B. Maximum Number of Hives.
- (1) For a property with a minimum of 2,000 square feet of lot area, a beekeeper is permitted to keep two hives. For each additional 2,000 square feet of lot area, the beekeeper is permitted two additional hives.
- (a) Exceptions. A beekeeper may exceed these regulations under the following conditions:
- 1) As part of normal honey bee colony management, a beekeeper may also keep, in addition to allowable standard hives, for up to forty-five (45) days between April 15 and August 15th, two (2) nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.
 - 2) For each allowed hive, a single nucleus hive may be kept from August 16 to April 14 to allow a beekeeper to mitigate winter bee losses.

- 3) Apiaries that are pre-existing prior to enactment of this ordinance shall not be subject to the limitations of section 4b and shall not exceed the number of hives active at the time of the ordinance and shall be confirmed by the pre-existing apiary registration of the location as reported by the Department of Agriculture, Bureau of Plant Industry.

C. Hive Density.

- (1) The Township recommends that the applicant provide written proof from any of the following entities expressing support upon examination of the proposed density of hives associated with the application:
 - (a) The Pennsylvania State Beekeepers Association;
 - (b) The Penn State Center for Pollination Research;
 - (c) The Pennsylvania Department of Agriculture;
 - (d) A local beekeeping association;
 - (e) or a University or College with an Apiary program and accredited by the Pennsylvania Department of Education.

D. To the extent possible, hive entrances shall face away from the closest neighboring property and in such a direction that the bees fly across the beekeeper's property at sufficient distance to gain a height of at least six (6) feet at the property line. The use of barriers may be employed to redirect the bees' flight pathway and establish bee flight pathways above six (6) feet. Should the flight path not be able to be obtained as described above, then a "flyway barrier" shall be placed in the following manner:

- (1) at least six (6) feet in height,
- (2) alongside of the hive(s) that contains the entrance to the hive(s);
- (3) within five (5) feet of the hive(s); and
- (4) extend at least two (2) feet on either side of the hive(s). A "flyway barrier" shall consist of a fence, vegetation, hedge, or a combination thereof. No flyway barrier is required for hive(s) that are located greater than ten (10) feet from property lines or on porches, balconies or roof tops that are at least ten (10) feet above grade except on adjacent properties where such porch, balcony or roof is located less than ten (10) feet from a property line.

E. Exceptions to a Flyway Barrier.

- (1) A flyway barrier is not required if the property adjoining the apiary lot line is:
 - (a) Undeveloped;

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- (b) Zoned agricultural or industrial (see § 27-201); or
 - (c) Located on state game lands, a state park, national forest, state forest, natural park, or conservation area and has no pre-existing human or horse trails located within twenty-five (25) feet of the property line.
- F. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties between April 1 and November 1.
- G. All beekeepers shall ensure that no bee comb or other materials that attract honeybees are left upon the ground of the apiary site. Upon removal from the apiary, all such materials shall be properly maintained in a sealed container or placed within a building or other bee proof enclosure, so long as bees are kept on the property.
3. Inspection. If an inspection is required as a result of a nuisance complaint, the Township Zoning Officer will inspect the property only and not the bee hives. It is recommended that the state or local beekeeping organization be contacted to assist in understanding how the complaint arose and to what extent it is actually caused by the honey bees/beekeeper. A notice of forty-eight (48) hours shall be given to the beekeeper prior to any inspection.
4. Nuisance. It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition or purposefully interfere with the normal use of adjoining properties. By way of example and not limited to, the following activities are hereby declared a nuisance and therefore unlawful:
- A. The use of receptacles for honey bees that does not comply with the Pennsylvania Bee Law, 3 Pa. C.S.A. § 2101 et seq., as amended.
 - B. Hive placement and related bee movement such that the bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees have a proven impact to the general safety, health, and welfare of the general public.

§ 619 Masonry Mailbox Structures.

1. Construction Standards.
- A. Dimensions. The maximum above grade width and depth of the masonry mailbox structure shall not exceed 24" by 24". The top of the structure shall be no higher than 6 inches above the mailbox opening. This shall include any masonry enclosure, numerals, letters or ornamentation.
 - B. Footing. A concrete footing having a maximum size of 30" by 30" may be installed at the bottom of the structure excavation. The footing can be either precast or cast in place concrete having a maximum thickness of six. inches. The top of the footing shall be no deeper than two feet as measured from the edge of the pavement adjacent to the structure.

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- C. Foundation. The foundation for the masonry structure from the top of footing to existing grade shall not exceed 24" by 24" and shall be no closer than eight inches from the edge of the existing pavement.
 - D. Structure. The masonry structure shall be break away. It shall not be permanently attached to the footing by the use of any wire or reinforcement bars. The use of masonry mastic under the first course of brick, stone, or block shall be prohibited.
2. Permitted Location.
- A. Adjacent to all township-owned, local and collector classified streets with vertical curbing in place.
 - B. Local classified township-owned streets without curbing that have a minimum cartway (pavement) width of 32 feet.
 - C. Along all privately owned and maintained streets that are not proposed for dedication to Lower Nazareth Township provided that the mailbox structures will not be located within an existing right-of-way or utility easement.
3. Prohibited Locations.
- A. All Township owned roadways classified as arterial or expressway streets.
 - B. Any non-curbed township owned streets having a cartway width less than 32 feet.
 - C. Directly above or within five feet horizontally to any existing underground utility, including but not limited to water, storm, sanitary, electric, cable, telephone, or gas lines.
4. Permitted Approval Process
- A. A copy of the approved lot grading plan, if applicable, highlighting the location of the proposed structure. If a grading plan is not available for the subject property, the applicant shall submit a plot plan prepared in accordance with the grading plan requirements in Section 533.10 of the township subdivision and land development ordinance.
 - B. A sketch of the proposed mailbox structure showing complete dimensions and construction materials.
 - C. All necessary permit fees and escrow accounts as required by the township. An escrow deposit may be required for street restoration. If the installation of the mailbox structure causes damage to the township cartway, the street restoration escrow can be used to pay for the pavement repairs. (SEE ORD. 131).

§ 620 Garage Sales.

- 1. See definition in Article XII. A garage sale shall not include wholesale sales.

2. No garage sale shall be held on a lot during more than three (3) days total in any six (6) consecutive months.
3. The use shall be clearly accessory to the principal use.
4. The placement of temporary signs shall be limited to the property on which the sale is to be held.

§ 621 Billboards.

1. Intent. Billboards are controlled by this Ordinance to serve the following purposes.
 - A. To ensure that a physical environment is maintained and attractive to desirable types of development, especially light industrial and office parks.
 - B. To prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within proximity to existing residences.
 - C. To prevent glare on adjacent property and streets.
 - D. To protect the open space and natural character of areas of the Township planned to remain agricultural or as conservation areas.
 - E. To avoid the creation of additional visual distractions to motorists, especially along Route 33 and along busy arterial streets that involve complex turning movements, congestion and numerous traffic hazards.
 - F. To recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media.
 - G. To recognize that this Ordinance allows every landowner a reasonable use for their land.
 - H. To avoid off-premises signs that would have an unfair advantage over on-premises signs in the competition for attention, because off-premises signs typically are higher and larger than on-premise signs.
 - I. To carry out the purposes listed in this Chapter.
2. Nonconforming Billboards. This section is not intended to require the removal of an existing lawfully placed Billboard that is structurally sound.
3. State Sign. Signs erected and maintained by the Pennsylvania Department of Transportation are permitted by right in all Districts and are exempt from the provisions within this section.
4. District. A Billboard is only Permitted in the TD8 Regional Mixed Use District.
5. Location. A Billboard is only permitted within 500 feet of existing right-of-way of an expressway.
6. Size. No Billboard may have a sign area greater than 300 square feet.

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7. Spacing. Any Billboard shall be separated by a minimum of 1500 feet from any other off-premises sign, including on either side of an expressway. No lot shall include more than one (1) Billboard.
 8. Maximum Height. Eighty (80) feet. See definition in this Chapter.
 9. Attached. No sign face shall be attached in any way to any other off-premises sign, all Billboards and off-premises signs shall have a maximum of one (1) sign face.
 10. Lighting and Glare. See standards in this Chapter.
 11. Residences. No Billboards shall be located within 1,000 feet of an existing dwelling or residentially zoned land.

§ 622 Cluster Development.

1. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to:
 - A. avoid severe soil erosion and sedimentation,
 - B. avoid severely increased stormwater flows and speeds,
 - C. steer development to those areas that are more physically suited for it,
 - D. avoid construction of steep roads that are difficult, time- consuming, and expensive to maintain and snow plow,
 - E. avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice,
 - F. to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and
 - G. reduce construction costs while allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In certain cases, this option will encourage the preservation of significant areas of common open space.
2. Applicability.
 - A. This section allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Board of Supervisors that all of the requirements of this article will be complied with.
 - B. The term "Cluster Development" ("CD") shall mean a residential cluster development meeting the requirements of this Section and which is approved as a conditional use in a TD2 Estate Residential district or within the Rural Resource Overlay. A Cluster Development in the TD2 Estate Residential district shall only include single family detached dwellings.
 - C. A tract may be eligible for approval for a duster development if it includes the following minimum land area in common ownership: 20 acres in common ownership in the

residential district. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.

- (1) Lots of less than 1/2 acre that were previously granted final subdivision approval as part of a residential development shall not be recombined and resubmitted under this Article.
- (2) For the purposes of this Article, the term "Total Area of the Tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets but including a) the right-of-way of any new future streets proposed within the tract and b) any proposed open space.
- (3) Areas used for a principal non-residential use shall not be included within the land area used to calculate residential density.

D. The Cluster Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement, a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

E. The application shall be submitted and decided upon as a conditional use, within the procedures of Article I. The application shall be reviewed by the Planning Commission and approved, conditionally approved or disapproved by the Board of Supervisors.

3. Reduction of Lot Width and Lot Area

A. If approved as a Cluster Development ("CD"), then the minimum lot area and minimum lot width of the following districts may be reduced as follows, provided that the minimum common open space on the entire tract meets the requirement stated below and all other requirements of this Ordinance. If a particular situation is not described in the first column, then a Cluster Development shall not be permitted in that situation.

ZONING DISTRICT	PERMITTED MIN. LOT AREA IN A CD (square feet)	PERMITTED MIN. LOT WIDTH IN A CD (feet)	MINIMUM COMMON OPEN SPACE ON THE TRACT
TD2 Estate Residential	18,000	80*	25 percent
Rural Resource Overlay	20,000	100*	See Section 402

*150 feet for any lot within a new driveway entering onto an arterial street.

4. Other Requirements.

A. Only requirements that are specifically stated in this Article as being adjusted shall differ from what would otherwise apply to a conventional non-cluster development. All

other requirements of this Ordinance and the Township Subdivision and Land Development Ordinance shall still apply to a CD.

- B. The natural features of the site shall be a major factor in determining the siting of dwelling units.
5. Conditions for Approval. In addition to the specific requirements of this Section, a CD shall only be approved as a conditional use if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:
- A. That the CD would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:
 - (1) The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - (2) The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
 - (3) The dedication of public parkland at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - (4) The clustering of homes in a location that will be substantially buffered from highly-noxious nuisance-generating uses, such as an expressway or major arterial street.
 - B. The applicant shall prove that the proposed CD has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.

§ 623 Solid Waste and Junk (Reserved)

§ 624 Warehousing and Distribution Requirements.

- 1. Applicable Land Uses. The following land uses must comply with the requirements within this Section:
 - A. Distribution Center, Type 1
 - B. Distribution Center, Type 2

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- C. Truck Depot/Terminal
 - D. Warehouse
 - E. High-Cube Transload & Short-Term Storage Warehouse
 - F. High-Cube Cold Storage Warehouse
 - G. High-Cube Parcel Hub Warehouse
 - H. High-Cube Fulfillment Center (Sort & Non-Sort) Warehouse
 - I. Wholesale Sales
2. Conditional Use Application. When submitting a conditional use application, the applicant shall provide a written narrative, and additional supporting information, documentation, studies, and reports as necessary or required below, containing detailed descriptions of the proposed use and substantive evidence demonstrating consistency of the proposed use relative to each of the following topics:
- A. The nature of all activities and operations to be conducted on the site, the types of materials to be stored, the duration of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with applicable state and federal regulations.
 - B. Hours of operation and the times and frequency of deliveries, distributions and/or restocking.
 - C. The general scale of the operation in terms of its market area, specific floor space requirements for each activity, and the total number of employees on each shift.
 - D. Consistency of the proposed use with each of the general standards for a Conditional Uses as set forth in Sections 119 and 701.
 - E. Consistency of the proposed use with all applicable requirements related to the Performance Standards set forth in Article IX, Environmental Protection requirements in Article VIII, and the Supplemental Regulations in Article VI.
 - F. The applicant shall submit a current Pennsylvania Department of Conservation and Natural Resources Pennsylvania Natural Diversity Inventory (PNDI) environmental review receipt for the project and additional evidence as necessary to demonstrate that no endangered species will be negatively impacted by the proposed development.
 - G. The applicant shall submit a traffic study in accordance with ITE standards, as amended, for the specific type of warehouse or distribution center proposed on the site. See Table C to determine the corresponding required ITE Code and Description for the proposed land use.

Table C. Institute of Transport Engineers (ITE) Required Traffic Impact Study		
LAND USE	ITE CODE	ITE DESCRIPTION
Distribution Center, Type 1	155	High-Cube Fulfillment Center Warehouse
Distribution Center, Type 2	155	High-Cube Fulfillment Center Warehouse
Truck Depot/Terminal	30	Intermodal Truck Terminal
Warehouse	150	Warehousing
High-Cube Transload & Short-Term Storage Warehouse	154	High-Cube Transload & Short-Term Storage Warehouse
High-Cube Cold Storage Warehouse	157	High-Cube Cold Storage Warehouse
High-Cube Parcel Hub Warehouse	156	High-Cube Parcel Hub Warehouse
High-Cube Fulfillment Center (Sort & Non-Sort) Warehouse	155	High-Cube Fulfillment Center Warehouse
Wholesale Sales	860	Wholesale Market

- H. Adequacy of the number, size, and location of loading and staging spaces provided for trucks to accommodate the expected demand generated by the use, including both preloading and post-loading activities.
- I. Consistency of the proposed use with the requirements of Section 624 – Truck Parking and Storage Trailers.
- J. Adequacy of off-street staging spaces available for tractor trailers arriving during non-business hours to prevent vehicles from parking on public streets while waiting to access the facility.
- K. The applicant shall submit a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary, consistent with truck routing signage and trip distribution data presented in the traffic study in accordance with the requirements listed in this Section.

3. Required Buffer Yards.

- A. Along any boundary line of a residential lot or residential district, a minimum 150-foot buffer yard shall be provided within the subject parcel, measured from the district boundary line or adjacent lot line, which ever may apply.
 - (1) If a street constitutes the boundary line between districts or lots, the yard shall be measured from the street line.
 - (2) At least fifty (50) feet of such buffer yard width shall be used only as a planting strip in accordance with § 605.
 - (3) The rest of the buffer yard width may be used for off-street parking or for any purpose other than a building or accessory structure.
- B. Where the footprint of a proposed principal warehouse structure is greater than 250,000 square feet:
 - (1) A minimum 250-foot buffer yard shall be provided along the entire length of the street frontage of any property upon which a warehouse is located.
 - (2) A minimum 250-foot buffer yard shall be provided along any property line which abuts or is within 500 feet of an existing residential property line or zoning district, school, child care center, hospital, place of worship/assembly, or public park.
- C. An Earth Berm shall be constructed within the required buffer yard along the street frontage and in accordance with Section 605.

4. Minimum Planting Requirements. See requirements in Section 605.1.E, in addition to the following:

- A. Plantings shall be arranged to provide a complete visual screen of the principal building of at least fourteen (14) feet in height (measured in addition to the height of the required Earth Berm).

5. In addition to any other necessary measures, buffer areas shall be adequate to limit the impacts of sound, vibration, and light to the standards stated in Section 604 of this Chapter as well as to provide an appropriate visual screen between incompatible land uses.

6. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the lot line of the use creating the emission is prohibited.

7. No loud speakers shall be permitted outside any enclosed structures.

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8. No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.
 9. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.
 10. No activities involving the storage, utilization, or manufacture of materials or products which could decompose by detonation shall be permitted except as authorized by the Township. Such materials shall include, but need not be limited to, all primary explosives such as lead oxide and lead sulfate; all high explosives and boosters such as TNT, RDX, tetryl, and ammonium nitrate; propellants and components thereof such as nitrocellulose, black powder, ammonium perchlorate and nitroglycerin; blasting explosives such as dynamite, powdered magnesium, potassium chlorate, potassium permanganates, and potassium nitrate, and nuclear fuels and reactor elements such as uranium 235 and plutonium. A list of such materials shall be provided to the Township Fire Departments.
 11. No facility, or part thereof, may be used for a dwelling purpose at any time.
 12. All maintenance operations and storage of materials shall be conducted inside a building, except as permitted by Section 504, Subsection 5.
 13. The Supervisors may impose additional restrictions on traffic volume impacts, access to the facility, storage of vehicles, or materials on the premises, hours of operations and other such matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district, municipal infrastructure (including but not limited to the Township's water and sewer systems, transportation network and the like) or adjacent land uses.
 14. Truck Parking and Storage of Trailer Requirements.
 - A. Uses listed in Subsection 1 shall have amenities for the truck drivers/operators of the vehicles using the facility in addition to any similar amenities provided to on-site warehouse/distribution employees. The following provisions shall apply:
 - (1) The amenities shall include, at a minimum, a lounge for drivers/operators, with restroom facilities, including at least three (3) sinks and three (3) stalls per restroom, and dispensing machines or similar facilities to provide food and beverages.
 - (2) At least one (1) amenity shall be provided for every thirty (30) truck loading/unloading docks/doorways of the use.
 - (3) The size of each such amenity shall be proportionate to the number of loading/unloading docks/doorways of the use. Each amenity shall contain not less than one (1) seat per ten (10) docks/doorways, with a minimum area to accommodate six (6) seats and one (1) four-person table.
 - (4) There shall be provided at least one (1) twelve-foot-by-eighty-foot truck parking space per each required lounge seat of the amenity.

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- (5) Trucks parked in amenity parking spaces shall not leave engines idling unless required for safety or weather-related reasons. Electrical outlets shall be included in parking areas for trucks to utilize.
 - (6) All trucks awaiting access to a loading/unloading dock/doorway shall park in designated amenity parking spaces unless all such spaces are already occupied.
 - B. Trucks idling or parked on a public right-of-way and waiting for entry onto the lot shall not be permitted.
 - C. Where guard shacks or checkpoints are proposed at the entrance(s) to such facilities, queuing space measuring at least two hundred forty (240) feet shall be provided within the property boundaries to prevent stacking of tractor-trailers on or along public streets.
 - D. These uses shall reserve a minimum of five (5) percent of the proposed total tractor-trailer parking spaces for outbound trucks which are required to layover or rest due to hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.
 - E. The facility's parking and driveway layout shall be designed to reduce mixing of truck traffic and car traffic, particularly in areas where cars would have to maneuver around or through truck loading/unloading areas.
 - F. Driveways and drive aisles shall be designed with turning radii that allow tractor-trailers to complete turning maneuvers within their designated lanes.
 - G. Truck drivers shall be instructed regarding acceptable routes between the facility and the nearest expressway with respect to the class of vehicle accessing the facility.
 - H. No storage of garbage (other than is routinely produced on site and awaiting regular collection) shall be permitted.
 - I. All designated tractor-trailer truck parking areas, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a fifty-foot buffer yard meeting the following requirements:
 - (1) Include a mix of native and evergreen plant buffer in accordance with Section 605, which will provide, within three years, a complete visual screen of at least ten (10) feet in height.
 - (2) Where buffer yards are contained within, or contain within themselves, utility easements, such buffer yards shall be taken in addition to the utility easements.
 - J. Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within two hundred fifty 250 feet of the exterior lot lines of the use shall be separated from such lot lines by an earth berm and shall comply with Section 605.1.D.(6).

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- K. On-site snow removal equipment to clear off tractor-trailers shall be required to ensure operators are compliant with the Pennsylvania Snow/Ice Removal Law and provide safety measures in preparation of returning to driving operations.

§ 625 Electric Vehicle Charging Stations

1. Terms Defined :

EV CHARGING INFRASTRUCTURE, TYPE 1 – Charging facilities for electric vehicles typically found in a household, which uses 15-20 amps and 120 volts.

EV CHARGING INFRASTRUCTURE, TYPE 2 – Charging facilities for electric vehicles using a circuit at 40-60 amps and 240 volts.

DIRECT CURRENT FAST CHARGING (DCFC) – Charging facilities that utilize separate utility transformers and typically between 25-300 kilowatts.

EV CAPABLE – The installation of electrical panel capacity with a dedicated branch circuit and a continuous raceway from the panel to the future EV parking spot.

EV READY – The installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt charging outlet.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) INSTALLED – The installation of a Level 2 EV charging station.

2. Requirements for Multifamily (Apartments) Dwellings.

- A. A minimum of one (1) off-street parking space per twenty (20) off-street parking spaces provided shall be EVSE Installed.

3. Requirements for specific nonresidential uses.

- A. The requirements within the following subsection shall apply to any new off-street parking areas or expansions of existing off-street parking areas by 10,000 square feet for the following nonresidential land uses:

- (1) Convenience Store with Fuel/Energy Recharge
- (2) Grocery Store

- (3) Home Improvement/Building Supply, Large-Scale
 - (4) Hotel
 - (5) Mixed-Use Building
 - (6) Pharmacy
 - (7) Retail, Large-Scale
 - (8) School, Post-Secondary
 - (9) School, Secondary Trade
 - (10) Shopping Center
 - (11) Supermarket
- B. Required number of EVSE Installed off-street parking spaces. Minimum of one (1) per fifty (50) off-street parking spaces provided shall be EVSE Installed.