

ARTICLE 4 Supplemental Use Criteria

4.1 General Criteria

In addition to the specific supplemental use criteria identified for uses within this article, the following general criteria shall apply to all use applications under this Ordinance.

4.1.1 – Adequate, safe, and convenient facilities for pedestrian and motor vehicles, including roadways, driveways, off-street parking and loading, sidewalks, malls, screening and landscaped areas to serve the project shall be provided. See Article 5 for supplemental regulations that may apply.

4.1.2 – The proposed use shall maintain or enhance the character of the area in which it is proposed to locate.

4.1.3 – A proposed use shall be located so as not to hinder the natural or presumed development of the area or detract from the value of existing development.

4.1.4 – A proposed use shall not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding area either due to appearance or operations.

4.1.5 – It shall be demonstrated that the operating requirements of the proposed use shall necessitate the location of such use or building within the vicinity served by the proposed location.

4.1.6 – The use or adaptation of a structure or lot for a new use shall not involve the destruction of open spaces, lawns, landscaping and trees except for changes made to meet parking, screening or other requirements set forth by this Ordinance or approving board.

4.1.7 – In the event central sewer and water facilities are required for the proposed use, it shall be the applicant's responsibility to provide those facilities. In the event that central sewer and water facilities are not required under this Ordinance, DEP approved on-lot facilities shall be provided.

4.1.8 – Stormwater management facilities shall be provided which shall be designed to comply with the township's stormwater management regulations (Ordinance 2011-70) by providing controlled release, infiltration and recharge area; evidence of maintenance and liability responsibilities shall be provided. Stormwater management facilities shall not conflict with pedestrians, motor vehicles, and adjacent property owners.

4.1.9 – Compliance with the floodplain regulations of the Municipality and the Commonwealth, if applicable, shall be demonstrated prior to granting the zoning approval.

4.1.10 – Permanent screening and landscaping shall be provided in accord with Section 5.13 to shield adjacent residential districts, or uses from parking lots, illumination and headlights, noise, and other objectionable influences and to enhance the overall appearance of the community.

4.1.11 – Lighting facilities shall be designed in accordance with Article 7 and to ensure that glare and direct illumination does not occur onto adjacent properties and roadways.

4.1.12 – Sites shall be designed and constructed in accord with the applicable Subdivision and Land Development regulations.

4.1.13 – Information on the method of municipal waste collection and disposal shall be presented by the applicant.

4.1.14 – Sites shall be designed as a unit for development in their entirety under single ownership and control; or satisfactory condominium arrangements shall be demonstrated.

4.1.15 – All lots and buildings shall have access by way of an internal driveway or street system and shall have convenient emergency vehicle and equipment access.

4.2 Adult Uses

4.2.1 – Adult Uses shall not be located within 1,000 feet of any residential structure or district; within 2,000 feet of any church, school, cemetery, park, or playground; or within 2,000 feet of any other adult entertainment use.

4.2.1.1 – No materials, displays, or advertisements for an adult entertainment use shall be visible from any window, door, or exterior of the building.

4.2.1.2 – In the case of an adult drive-in theater, viewing screens shall be situated and screened to prevent observation from any street or adjoining property.

4.2.1.3 – An adult entertainment use shall be limited to a wall mounted sign located on the premises which shall not exceed 20 ft² in size.

4.3 Agriculture and Agricultural Operations

When applicable the following criteria apply for Agriculture or Agricultural Operations:

4.3.1 Manure Storage Facilities – New or expanded manure storage facilities shall be constructed in accordance with 25 Pa. Code §83.351 through §83.39 (Subchapter D. Nutrient Management Act) and 25 Pa. Code §91.60 (Pollution Control and Prevention at Agricultural Operations), and any other applicable federal or state laws relating to said facility. The applicant shall provide documentation to the Zoning Officer that demonstrates compliance with the above-mentioned regulations, and/or federal and state laws.

4.3.2 Stormwater Requirements for New Agricultural Buildings – Applicants for new agricultural buildings shall submit a storm water management (SWM) site plan for approval in accord with the Nippenose Township Management Stormwater Management Ordinance No. 2011-70 unless qualifying for an exemption under that ordinance.

4.3.3 Truck Access – An application for a building exceeding 10,000 square feet in area shall also demonstrate that the roadways and intersections accessing the site are adequate for the type and size of trucks anticipated to serve the development. In addition, the building layout shall be designed to accommodate on site truck turning movements.

4.4 Animal Hospitals & Kennels – Animal Hospitals and Animal Kennels are to be conditioned upon, but not limited to, the following criteria:

4.4.1 – The applicant shall provide evidence of a kennel license from the PA Department of Agriculture prior to issuance of a zoning permit for this use.

4.4.2 – Demonstration that the facilities will not create nuisance conditions for adjoining properties due to noise or odor.

4.4.3 – Demonstration that all animals will be confined to the property.

4.4.4 – Demonstration of adequate methods for sanitation and sewage disposal.

4.4.5 Outdoor Runs – Outdoor runs shall be located at least 200 feet from any dwelling not located on the premises, at least 400 feet from any public or quasi-public building, and at least 100 feet from any lot line.

4.4.6 Outdoor Runs – Outdoor runs shall be screened to reduce the potential for inciting dogs to bark due to external influences.

4.4.7 Site Plan – A site plan drawn to scale shall accompany the application indicating parking facilities, screening and landscaping, driveways, buildings, runs, and other physical features, existing and proposed.

4.5 Automotive Car Wash, Repair Facility, Sales Facility, or Service Facility

An automotive car wash, repair facility, sales facility, or service facility may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the provisions outlined below, as well as other municipal regulations existing, or which may hereafter be enacted.

4.5.1 Entrance/Exit – No automotive repair facility or service station shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.

4.5.2 Fuel Storage – Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.

4.5.3 Fuel Storage – All fuel, oil, propane gas, or other similar substances shall be stored at least 30 feet from any street right-of-way or property line. Additional permits may be necessary to meet State requirements regarding storage tanks.

4.5.4 Repair Work – All repair work (excluding preventive maintenance, minor adjustments and work on large vehicles or equipment) shall be performed within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building or dumpster.

4.5.5 Body Work/Painting – Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the regulations of the PA Department of Labor and Industry and PA Department of Environmental Protection and is designed to contain noise, vibrations, air emissions, and odor generated by the activity (See Section 5.9).

4.5.6 Automatic Car Wash Facilities – Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the discharge from such a facility.

4.5.7 – No more than three (3) vehicles may be offered for sale at any one time at an automotive repair facility or service station.

4.5.8 – Screening or landscaping shall be provided in accordance with Section 5.13 when this use is adjacent to residences, churches or similar uses.

4.6 Bed and Breakfast

4.6.1 Intent – A Bed and Breakfast shall provide temporary travelers' accommodations and meals in a single-family residence for a fee, on a daily or weekly room rental basis.

4.6.2 Standards –

4.6.2.1 – Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

4.6.2.2 – Off-street parking shall be provided in accordance with Article 9. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

4.6.2.3 – All necessary state and municipal permits, certifications, or requirements shall be obtained as a condition of approval of the bed and breakfast inn.

4.6.2.4 – Room rentals to families or individuals shall not exceed 14 consecutive days.

4.6.2.5 – Compliance with the sign regulations of Article 8 shall be maintained.

4.7 Child Care and Adult Day Care Centers, Group and Family Child Care Homes

4.7.1 – The facility shall be located in an area that is free from conditions dangerous to the physical and moral welfare of children or adult clientele.

4.7.2 – The applicant shall provide a copy of the license or registration issued or required by PA Dept. of Human Services for the facility. If on-lot sewage facilities are to be utilized the Township Sewage Enforcement Officer shall provide evidence of Adequate sewage facilities for the use.

4.7.3 – A site plan shall also be provided, drawn to scale, and clearly showing the following:

4.7.3.1 – The dimensions and acreage of the site and its relationship to surrounding properties.

4.7.3.2 – The layout of the entire project including the proposed use and location of all buildings.

4.7.3.3 – The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.

4.7.3.4 – The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.

4.7.3.5 – The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.

4.7.3.6 – The location of existing and proposed plantings and screening, including the type and size of each plant to be installed.

4.7.3.7 – The location of existing and proposed utility lines, water courses and drainage lines and easements.

4.7.3.8 – Title, north arrow, scale, names of owners, name of individual who prepared the plan, and its date of preparation.

4.8 Cluster Subdivision in the Village District

4.8.1 Statement of Purpose – Cluster subdivision is an optional form of development which allows the developer more choices of housing type and enables him to develop lots smaller than otherwise specified in this Ordinance, provided the land saved is reserved for permanent common use, usually in the form of Open Space.

All proposed Cluster Subdivision projects must be approved by submission of appropriate preliminary and final plans to the Township in compliance with the applicable Subdivision and Land Development Ordinance and shall be acted on within the time limits set forth in Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. The approval for a Cluster Subdivision use for a tract of land shall in no way automatically guarantee preliminary or final plan approval without satisfactory compliance with all other applicable codes and regulations of the Township, County, State, or Federal Government.

4.8.2 Applications for Cluster Subdivision Development in the Village District – Any developer who desires to initiate a Cluster Subdivision shall apply to the Township through the Zoning Officer accompanied by:

4.8.2.1 – Location map showing the project in relation to the surrounding area;

4.8.2.2 – Sketch plan showing:

4.8.2.2.1 – Property lines and easements with dimensions and area;

4.8.2.2.2 – Location, size, spacing, setbacks and dimensions of all existing and proposed buildings and structures;

4.8.2.2.3 – The building types, sections, floor plan, and site sections to clearly define the character of the project; the Township Supervisors may require a model if deemed necessary;

4.8.2.2.4 – Topographic information showing existing features, conditions, and proposed grading;

4.8.2.2.5 – Landscaping plans showing open spaces, planting, existing and proposed trees and recreational areas and facilities; and

4.8.2.2.6 – Existing streets, showing access to the project, proposed roads and parking layout with dimensions.

4.8.2.3 – Written information regarding land use designations, surrounding land uses, project design teams, development schedule, type, size, number and estimated selling price of units and density calculations; and

4.8.2.4 – Written information regarding the following:

4.8.2.4.1 – The nature and extent of the common open space in the project, the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;

4.8.2.4.2 – Whenever applicable, documents indicating compliance and approval of mandated Township, County and State statutes or other laws shall be obtained and submitted as part of the application.

4.8.3 Criteria for Granting Approval for Cluster Subdivision – The approval for a cluster subdivision shall only be granted if evidence is presented that:

4.8.3.1 – The proposed cluster subdivision shall be in harmony with the general purpose, goals, objectives and standards of the Township Comprehensive Plan, this section and the applicable Subdivision and Land Development regulations;

4.8.3.2 – The proposed cluster subdivision shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Ordinance, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare;

4.8.3.3 – The proposed cluster subdivision shall be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection; drainage structures, refuse disposal, water and sewers and schools;

4.8.4 General Provisions

4.8.4.1 Minimum Tract Size – The minimum tract size for a cluster subdivision shall be 10 acres.

4.8.4.2 Density – The gross density of a cluster subdivision shall not exceed five (5) dwelling units per acre. For cluster subdivisions, the Village will determine the number of units allowable on a parcel by multiplying the gross area permitted times 5 units/acre, which equals total number of dwelling units.

4.8.4.3 Types of Dwelling Units – Single-family detached, double dwellings, townhouses, and multiple family dwellings may be permitted in a cluster subdivision pursuant to the requirements of this Article. All units in a cluster subdivision must be proposed and for sale only.

4.8.4.4 Permitted Lot Area Reductions – For cluster subdivisions single one-family detached and two-family dwellings may be reduced 50% from the minimum lot size required for the Village district. Townhouse and multiple family dwelling lot size may be reduced to the area of the building unit.

4.8.4.5 Yard Dimensions –

4.8.4.5.1 – Minimum Yards for Single Family Detached and Double Dwellings:

- Front: 25 ft.
- Side: 0 ft.
- Rear: 10 ft.

4.8.4.5.2 – Townhouses and Multi-Family Buildings: All buildings shall be a minimum of 20 ft from driveways and parking lots.

4.8.4.5.3 – The cluster subdivision shall have a setback of 50 feet from the site perimeter for all buildings.

4.8.4.6 Landscaped Buffer Areas – Landscaped buffer areas shall be required along the exterior property lines of the proposed residential cluster development. Landscaped buffers shall consist of six feet or higher trees, shrubs, solid wood fencing or a combination thereof as approved by the Zoning Hearing Board. Also, refer to the Screening and Landscaping regulations found in Section 5.13.

4.8.5 Special Housing Qualifications

4.8.5.1 Townhouse Group – No more than eight townhouses shall be attached in a single group, and no more than two contiguous townhouses in any building may be constructed in line.

4.8.5.2 Spacing of Structures – Minimum distances between structures shall be:

Structure Type	Distance
Single Family Detached	10 feet
Double Dwelling	20 feet
Townhouse	40 feet between buildings
Multi-Family Dwelling	40 feet between buildings

4.8.6 Garages and Accessory Buildings – Single Family Detached Units may have detached accessory buildings or garages provided that a ten (10) foot separation is maintained from the principal structure and that a minimum front building line of 25 ft. is maintained.

4.8.7 Impervious Coverage – The maximum permitted impervious coverage shall be thirty percent (30%) and shall apply to the entire development, rather than to individual lots.

4.8.8 Maximum Building Height – Thirty-five (35) feet.

4.8.9 Miscellaneous Regulations –

4.8.9.1 Utilities – Public or community sewer and water facilities shall be provided.

4.8.9.2 Off-Street Parking – See Off-Street Parking and Loading Regulations in Article 9.

4.8.9.3 Sign Regulations – See the regulations for Signs in Article 8.

4.8.9.4 Fence Regulations – See the regulations for Accessory Structures in Article 5.

4.8.9.5 Automobile Trailers and Mobile Homes – Shall not be permitted in a Cluster Subdivision.

4.8.10 Open Space Requirements –

4.8.10.1 – Such areas specifically designed for open space shall be fully usable and suitable for that purpose and shall be set aside by deed restriction.

4.8.10.2 – Common open space may only be dedicated to public use as approved by the Board of Supervisors. The Board of Supervisors reserves the right to deny dedication of open space.

4.8.10.3 Private Ownership – When common open space, private streets and parking areas, and utilities are not dedicated and accepted to public Township, it shall be protected by legal arrangements, satisfactory to the Township, sufficient to assure its maintenance and preservation for whatever purpose it is intended.

Covenants or other legal arrangements shall:

- Obligate purchasers to participate in a homeowner’s association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
- Obligate such an association to maintain open areas and private streets and utilities.
- Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.
- Provide for an agreement that, if the Township is required to perform any maintenance work pursuant to the item above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the homeowners association of which the developer, or if the developer is not the owner of the development, then such owner, shall be a member until all of the lots of record are sold. Other equivalent provisions to ensure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors. Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recording in the Office of the Recorder of Deeds, of a perpetual maintenance of facilities as prescribed herein above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
- Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Township.

4.9 Communications Antennas, Communication Equipment Buildings, and Communications Towers

This regulation is intended to control communication towers as defined in this Ordinance, and all other similar uses or structures shall be in accordance with this Section, and in addition, the following criteria shall apply:

- 4.9.1 – Building mounted Communications Antennas shall not be permitted on any single family or two-family dwelling.
- 4.9.2 – Structure mounted Communication Antennas shall be permitted to exceed the height of the structure to which the antenna is attached by no more than twenty (20) feet.
- 4.9.3 – Omnidirectional or whip Communication Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- 4.9.4 – Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- 4.9.5 – Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- 4.9.6 – Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for determining compliance with this Ordinance and with any applicable Building Code or other law.
- 4.9.7 – Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas can be accomplished.
- 4.9.8 – Communication Antennas shall not cause radio frequency interference with other communication facilities located in the Township.
- 4.9.9 – A Communication Equipment Building shall be subject to the height and setback requirements of the Zoning District for an accessory structure.
- 4.9.10 – The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable, and Communication Antennas.
- 4.9.11 – The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 4.9.12 – Communication Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- 4.9.13 – The applicant proposing construction of a new Communication Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building or Communication Tower. A review within a one-quarter ($\frac{1}{4}$) mile radius of the proposed Communication Tower site be contacted and that none (0) or more of the following reasons for Structure apply:
- 4.9.13.1 – The proposed antenna and related equipment would exceed the structural capacity of the existing Structure, and its reinforcement cannot be accomplished at a reasonable cost.
- 4.9.13.2 – The proposed antenna and related equipment would cause radio frequency interference with other existing equipment at a reasonable cost. Structure and the Interference cannot be prevented at a reasonable cost.
- 4.9.13.3 – Such existing Structures do not have adequate locations, space, access or height to accommodate the proposed equipment or allow it to perform its intended function.

4.9.13.4 – Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

4.9.13.5 – A reasonable agreement could not be reached with the owner of such Structures.

4.9.14 – Access shall be provided to the Communication Tower and Communication Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width.

4.9.15 – A Communication Tower may be located within a lot meeting the minimum size requirements for the Zoning District.

4.9.16 – Any applicant proposing a Communications Tower shall submit detailed construction, plan view and elevation drawings for determining compliance with all applicable provisions of this ordinance.

4.9.17 – Any applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.

4.9.18 – The foundation and base of any Communication Tower shall be set back from a property line (not lease line) at least 120% of the Tower height.

4.9.19 – The base of the Communications Tower shall be landscaped to screen the foundation and Communications Equipment Building from abutting properties.

4.9.20 – The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communication Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Support Structures, published by the Electrical Industrial Association/Telecommunication Industry Association and any applicable Building Code.

4.9.21 – The applicant shall submit a copy of its current Federal Communication Commission license; the name, address and emergency telephone number for the operator of the Communications Tower, and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communication Antennas.

4.9.22 – All guy wires associated with guyed Communications Towers shall be clearly marked for the first eight (8) feet from ground level to always be visible and shall be located within a fenced enclosure.

4.9.23 – The site of a Communication Tower shall be secured by a fence with a height of eight (8) feet.

4.9.24 – No signs or lights shall accessibility to the general public be required by the Federal mounted on a Communications Tower, except as may Administration or another governmental agency which has jurisdiction. If lights are required, the use of white strobe lights shall be restricted to daylight hours only and shall be the minimum necessary for application. During nighttime hours only red lights may be utilized.

4.9.25 – The preferred tower design is for a monopole of color that blends with the landscape. The second priority is for a lattice or truss tower that is engineering to collapse into itself or a structural failure.

4.9.26 – Communications Towers shall be protected and maintained to accordance with the requirements of any applicable Building Code.

4.9.27 – If a Communication Tower remains unused for a period of twelve (12) consecutive months, the owner or operator of a Communications Tower or the property owner shall dismantle and remove the Communications Tower

within six (6) months of the expiration or removal of a Communication Tower in the event the owner or operator fails to perform the removal. This shall be noted on all subdivision or land development plans.

4.9.28 – One off street parking space shall be provided within the fenced area.

4.10 Contractor Yard

Land that is used for the storage and maintenance of contractor's construction equipment, equipment parts, materials and supplies, fabrication of subassemblies and parking of construction equipment, storage trailers, PODS and the like, and which may include office space for the contracting business.

4.10.1 – This use shall only be permitted in conjunction with the contractor's own residence.

4.10.2 – The minimum lot size for a contractor yard shall be three acres.

4.10.3 – Land development and stormwater plans will be required for new building or lot coverage in accordance with the Nippenose Township Stormwater Management Development regulations and Land Ordinance No. 2011-70 unless qualifying for an exemption under that ordinance.

4.10.4 – A contractor's equipment may be stored outdoors or within an equipment building. For outdoor storage a screening or landscape plan in accordance with Section 5.13 shall be required when within 200 feet of adjacent residential use.

4.10.5 – Outdoor lighting and signs are authorized in accordance with Article 7 and 8 respectively.

4.10.6 – Provision for off-street parking shall be made in the event of employee parking on the premises.

4.10.7 – The retail or wholesale of goods from the premises is not authorized.

4.11 Group Home

4.11.1 – The Group Home shall be limited to residential uses only. Offices of public agencies, services to non-residents (e.g., counseling services), and other similar non-residential activities shall be excluded from this use.

4.11.2 – The Group Home shall maintain a residential neighborhood character.

4.11.3 – The Group Home zoning approval shall be transferable from the original applicant to a new operator provided there is no change in the size, clientele or agency affiliation. In the case of changes, the zoning approval shall not be transferable.

4.11.4 – The Group Home zoning approval shall be revoked if the group home fails to meet approved conditions at all times.

4.11.5 – Off-street parking spaces shall be provided for all vehicles associated with the Group Home including those of the household, residents, attendant caregivers, and visitors (see Article 9).

4.12 Home-Based Business

A Home-Based Business is conducted on a lot in conjunction with a residential dwelling unit or a farm dwelling. Such uses include baking and catering, lawn mower repair, appliance repair shops; bike shops; carpentry, woodworking, or metalworking shops; antique shops; and other similar uses compatible with the residential character of the lot and district. The repair of motor vehicles shall be excluded from this use.

4.12.1 – The Home-Based Business shall be compatible with the residential character of the dwelling or the immediate vicinity. The Home-Based Business shall not produce offensive noise, vibrations, dust, odors, pollution,

interference with radio or television reception, traffic congestion, or other objectionable conditions which are audible, visible, or otherwise detectable by human senses at the property line.

4.12.2 – A Home-Based Business may be conducted inside the dwelling or within an accessory building or garage but shall not occupy an area exceeding 60 percent of the ground floor area of the dwelling.

4.12.3 – The business shall be conducted by a resident of the dwelling, and no more than two (2) full-time equivalent employees shall be employed in the business.

4.12.4 – All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of residential use.

4.12.5 – The Home-Based Business shall be carried out entirely within the dwelling or accessory structure. There shall be no outside storage or sales areas associated with the Home-Based Business.

4.12.6 – No show windows or advertising outside of the premises shall be permitted other than one (1) sign or name plate which shall not exceed four (4) square feet in area.

4.13 Home Occupations

A home occupation is conducted within a residence and does not change the essential residential character of the building. Such uses include arts and craft shops, studios, dressmaking, music lessons, tutoring, barber or beauty shops, business or professional offices, family day care, and other similar uses. In any district, any lawful, gainful occupation conducted by a member of the immediate family owning and residing on the premises may use a portion of the dwelling for a home occupation provided that the following conditions are met, and a permit is issued by the Zoning Officer.

4.13.1 – The Home Occupation shall be clearly incidental or secondary to the use of the property as a residence and the use of the dwelling shall not change the character thereof or show any exterior evidence of such secondary use other than one (1) sign or name plate not exceeding 4 sq. ft. (see Section 8.3.1).

4.13.2 – Home Occupations shall be limited to the employment of not more than one (1) full-time equivalent assistant outside of the immediate family at any one time.

4.13.3 – The Home Occupation shall be conducted wholly within the dwelling and shall not occupy more than forty (40%) percent of the area of the first floor of the dwelling, nor more than one thousand (1000) square feet. The floor area standards shall not apply to family day care homes.

4.13.4 – All parking shall be off-street. A minimum of two (2) off-street spaces shall be provided in addition to that required of residential use.

4.13.5 – The sale of goods shall be secondary to the occupation or service provided.

4.13.6 – Any home occupation that creates objectionable noise, fumes, odor, dust, electrical interference, or excessive traffic shall be prohibited.

4.14 Hospital/Drug and Alcohol Treatment Facility/Rehabilitation Facility

4.14.1 – Minimum Lot Area: 10 acres

4.14.2 – Minimum Lot Width: 400 ft.

4.14.3 – Minimum Yards: Perimeter

- Front: 80 ft.
- Side: 40 ft.
- Rear: 40 ft.

4.14.4 Minimum Yards – Internal Streets and Driveways 15 ft.

4.14.5 – Copies of all applicable local, state and federal licenses shall be furnished with the application for Special Exception.

4.15 Institutional Residences, Multiple-Family Dwellings and Multiple-Family Dwelling Developments

4.15.1 Multiple-Family Dwellings –

4.15.1.1 – Multiple-Family Dwellings, including both new construction and the conversion of an existing dwelling per structure shall be limited to one multiple-family dwelling per lot and shall meet the minimum lot area and maximum height and lot coverage standards for the applicable district (see §3.6 - §3.8). Newly constructed multiple-family dwellings and existing structure alterations shall also meet the minimum yard requirements of the district in which they are located.

4.15.1.2 – There shall be no more than 4 units per structure for this use.

4.15.1.3 – The applicant for this use shall demonstrate compliance with the applicable building codes to receive an approval.

4.15.1.4 – Sewer and water facilities shall be by connection to municipal systems, or an on-lot sewage permit secured prior to any approval for this use.

4.15.1.5 – All parking spaces shall be off-street in accordance with Article 9.

4.15.2 Institutional Residences and Multiple-Family Dwelling Developments –

4.15.2.1 – Minimum Lot Area: 3 acres

4.15.2.2 – Maximum Gross Density for Multi-family Dwelling: 5 dwelling units per acre

4.15.2.3 – Minimum Lot Width: 300 ft.

4.15.2.4 – Minimum Perimeter Yards

- Front: 50 ft.
- Side: 20 ft.
- Rear: 30 ft.

4.15.2.5 – Minimum Building Separation: 30 ft.

4.15.2.6 – Water and Sewage Facilities: The development must be served by central water and central sewage facilities.

4.16 Junk Yard or Salvage Yard

Junk Yards may be permitted only in those zoning districts as provided for in the district regulations of this Ordinance and shall comply with the following:

4.16.1 – Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of suitable, permanent material. In addition, a twenty-five (25) foot buffer yard and/or landscaping as set forth in Section 5.13 of this Ordinance shall be required. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

4.16.2 – Such premises shall always be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.

4.16.3 – No garbage or other organic waste shall be stored in such premises.

4.16.4 – All junk shall be stored or arranged to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled higher than two feet below the height of the fence or wall which encloses the facility and shall not exceed a maximum height of eight (8) feet.

4.16.5 – No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be always controlled.

4.16.6 – No junk material, accessory structure, related activity or other enclosure shall be stored, placed, located or conducted within twenty-five (25) feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub growth over eight (8) inches in height shall be permitted to grow within this setback area. The applicant shall be required to prepare and submit a Soil and Sedimentation Control Plan and NPDES Permit application for this facility.

4.17 Manufacturing, Warehousing, Laboratory Uses

4.17.1 – These uses shall abut or provide direct access to a highway which can accommodate heavy trucks and industrial employee and related traffic.

4.17.2 – At least 75% of all operations shall occur within an enclosed structure excepting necessary and required off-street parking and loading facilities. All such uses which may occur outside of an enclosed structure, except off-street parking and loading facilities, shall be enclosed in a permanent fence or wall at least six (6) feet in height. Such a fence shall not interfere with traffic safety or intersection visibility.

4.17.3 Manufacturing, Uses, and Storage of Hazardous Materials – Manufacturing uses, generating noise, smoke or odor, radioactivity, toxic or poisonous materials in buildings or construction methods as required for sound absorption, municipal critical dimensions screening may be required.

4.17.4 Land Development Standards – Land development plans shall be required showing all structures, roadways, parking areas, service drives, loading docks, exterior lighting installations and landscaping on the site; drainage and stormwater management facilities and access roads within two hundred (200) feet of the site boundaries, location of proposed sewage disposal system and other elements as maybe deduced by the Board of Design Standards.

4.17.5 Site Access, Circulation and Parking –

4.17.5.1 Access – All proposed site accessways must be adequate, but not excessive, and not located too close to street intersections. Additional schools or pedestrian crossings should be avoided where possible. In PennDOT's review, when access is developed along a state highway, any permits required by PennDOT for access to the land development plan shall be obtained prior to approval of the plan.

4.17.5.2 Circulation and Parking – The interior circulation system must provide safe and easy access by driveways within the site. See Article 8 for additional requirements.

4.17.5.3 Streets and Commercial/Industrial Driveway System Requirements – All structures directly abutting a public street or constructed onto a street in accordance with the Township No. 1 Nippon Township Stormwater Management ordinance.

4.17.5.4 Arrangement of Buildings – Adequate provisions must be made for light, air, access, and privacy in the arrangement of the buildings or community.

4.17.5.5 Sewer and Water Facilities – Sewer and water facilities must be available; provided by the developer or the community. Proper approvals for proposed systems must be presented to the Planning Commission prior to approval.

4.17.5.6 Grading and Ground Cover (Soil Erosion and Sedimentation Control Plan) – Evidence of an approved Erosion and Sedimentation Control Plan and NPDES permit(s) must be submitted with the application.

4.17.5.7 Landscaping – A landscaping plan shall be prepared as part of the land development application which enhances the natural qualities of the land while providing screening between separate parcels of land and adjoining property or land uses. See Section 5.3.1, Screening and Landscaping.

4.17.5.8 Loading and Unloading – All required loading and unloading facilities and off-street parking areas shall be provided and designed in accordance with Article 9, Off Street Parking.

4.17.5.9 Solid Waste Collection and Disposal – The Developer shall present information describing the proposed method of solid waste collection and disposal.

4.17.5.10 Outdoor Lighting – All outdoor lighting and such facility shall be non-animated and consistent with the standards of Article 7, Exterior Lighting Standards.

4.18 Medical Marijuana Grower/Processor

4.18.1 – A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance, and other features required by the Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

4.18.2 – The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana-related materials and equipment used in production and cultivation or for required laboratory testing.

4.18.3 – There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

4.18.4 – The grower/processor may only sell wholesale medical marijuana products to other medical marijuana growers and processors. Retail sales are prohibited at medical marijuana grower/processor facilities.

4.18.5 – Grower/processors may not locate within 1,000 feet of the property line of a public, private or parochial school or day-care center.

4.18.6 – All external lighting serving a medical marijuana grower/processor must be designed in such a manner to not allow light to be emitted skyward or onto adjacent properties.

4.18.7 – Parking requirements will follow the parking schedule found in Section 9.1.2 Off-Street Parking Regulations for the Manufacturing use category.

4.18.8 – A buffer is required where a medical marijuana grower and processor is located or district.

4.18.9 – Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.

4.18.10 – Loading and off-loading areas within the structure are preferred. An external loading arrangement is designed to be from within a secure environment.

4.19 Mobile Home Park

4.19.1 Minimum Park Area – The minimum park area required is 2 acres.

4.19.2 Minimum Lot Width – Each lot within the mobile home park must have a minimum width of 200 feet.

4.19.3 Maximum Gross Site Density – The maximum number of dwelling units allowed per acre in the mobile home park is 5.

4.19.4 Minimum Building Separation – All mobile homes should be separated by at least 50 feet from auxiliary park buildings.

4.19.5 Minimum Yards for Site Perimeter – The minimum yard requirements are as follows:

- Front Yard: 25 feet, but not less than 50 feet from the road centerline.
- Side Yard: 50 feet.
- Rear Yard: 50 feet.

*Minimum side and rear yards may be reduced to 25 ft. when screening in accord with Section 5.13 is provided

4.19.6 Mobile Home Park - Individual Lots –

4.19.6.1 Minimum Lot Area – 6,000 sq. ft.

4.19.6.2 Minimum Lot Width – 50 ft.

4.19.6.3 Minimum Yards –

- Front: 20 ft.
- Side: 10 ft.
- Rear: 10 ft.

4.19.7 Water and Sewage Facilities – The development must be served by central water and central sewage facilities.

4.19.8 Recreation Space Requirements – A minimum of twenty (20) percent of the gross park area shall be provided for recreation space. This recreation space shall be suitable for outdoor recreational activity and shall be readily accessible to all mobile home lots. The plans and application for a mobile home park shall show the proposed recreational facilities to be provided and explain the maintenance of such recreation space.

4.20 No Impact Home Based Business

Business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

4.21 Oil and Gas Well Development and Related Facilities

4.21.1 Purpose – The purpose of this Part is to provide for the health, safety and welfare of the residents of the Township, through zoning and floodplain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the Township.

The Township acknowledges that it is preempted from enacting or enforcing ordinances that impose conditions, requirements or limitations on the same features of oil and gas operations regulated in Chapter 32 of Act 13 or that accomplish the same purposes set forth in Chapter 32 of Act 13. In addition, the Township acknowledges that environmental acts are of statewide concern and operations are regulated by the environmental acts. This Part is intended to comply with such preemptive restrictions.

4.21.2 Criteria for Specific Activities –

4.21.2.1 Pipeline Construction and Seismic Operations – Pipeline construction and seismic operations shall be a permitted use within all zoning districts; provided, that such activities are conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.

4.21.2.2 Natural Gas Compressor Stations, Processing Plants, Metering Station –

4.21.2.2.1 – Proposed structures must be located 750 feet or more from the nearest existing building or 350 feet from the nearest lot line, whichever is greater, unless waived, in writing, by the owner of the building or adjoining lot.

4.21.2.2.2 – Proposed structures must be located 350 feet from any public highway.

4.21.2.2.3 – Proposed structures must be located 1,000 feet from any school building, playground or hospital building, nursing home building, or park.

4.21.2.2.4 – The compressors are required to be enclosed in a building with doors.

4.21.2.2.5 – All lights located on any site shall be shielded, designed and directed in such a manner that they do not shine directly into adjacent properties. Also see Article 7, Exterior Lighting Standards.

4.21.2.2.6 – Generated by the compressor station does not exceed the applicable standard imposed by federal law. The applicant is required to provide documentation of this effect as part of this application.

4.21.2.2.7 – Written documentation of the steps the applicant will take to mitigate, or resolve impacts, whether temporary or permanent, specifically related to hazardous or noxious occurrences within the district or to any adjacent property.

4.21.2.2.8 – Natural gas compressor stations/buffering plants/ metering stations shall be operated in accordance with the requirements of Section 5.13 of this Ordinance.

4.21.2.2.9 – A written commitment shall be submitted with the Zoning Application stating that the site will be restored within 1 year following decommissioning.

4.21.2.3 Water Reuse Storage Facility, Water Withdrawal Facility –

4.21.2.3.1 – A written commitment shall be submitted with the zoning application stating that a complete site restoration within 1 year following the termination of production in accordance with PADEP regulations.

4.21.2.3.2 – Impoundments that are used solely for freshwater storage do not require a zoning permit.

4.21.2.3.3 – Water reuse storage facility shall be fenced and buffered from adjacent areas in accordance with the requirements of Section 5.13 of this Ordinance.

4.21.2.3.4 – Entrances and exits to any public access roads shall be a minimum of 50 feet from any intersection. All entrance driveways shall be paved for a distance of 50 feet from the public street to prevent stone, soil, and dust from being deposited on the public roadway.

4.21.2.3.5 – Adequate truck maneuvering and standing areas shall be provided for the anticipated traffic volumes at the site to not impact public roads in the vicinity.

4.21.2.4 Oil and Gas Development –

4.21.2.4.1 – These regulations apply to all new oil and gas drilling sites proposed to be constructed after the effective date of this Part.

4.21.2.4.2 – Any physical modification to an existing site materially altering the size, equipment, location or number of wells, or in the case of additional wells, notice under this Part.

4.21.2.4.3 – Permit fees will be based on the area of use of the well pad or the area to be disturbed by the well pad.

4.21.2.4.4 – Oil or gas wells are prohibited unless the outer edge of the well pad is at least 750 feet from an existing building.

4.21.2.4.5 – Repair or replacement of oil and gas pipelines, access roads and security fences, are prohibited from taking place within 750 feet of any existing building or facility.

4.21.2.4.6 – Oil and gas development shall be prohibited in any mapped floodway or flood fringe district.

4.21.2.5 Application Requirements – A zoning permit shall be required prior to the commencement of all new oil or gas development activity and for any existing activity that materially alter the size or location of the existing site or activity. The applicant shall provide the Township with the following information at the time of permit application:

4.21.2.5.1 – All information required on the zoning permit application;

4.21.2.5.2 – A narrative describing the proposed activity;

4.21.2.5.3 – The approximate number of acres to be disturbed for development;

4.21.2.5.4 – Applications, structures and buildings; for oil and gas activity including the proposed numbers of wells and gas activity applications; the DEP permit number(s) for any or all wells if available at the time of submission and provided when issued later;

4.21.2.5.5 – Identification and description of roads which will be used to access the site. When appropriate, furnish a copy of the excess maintenance agreement for any road with weight limits that will be used;

4.21.2.5.6 – A “site address” for the site in compliance with the Lycoming County 911 addressing system for emergency and safety services; and

4.21.2.5.7 – A copy of any DEP permits issued at the time of submittal, or PennDOT, including any municipal highway occupancy or driveway permits.

4.21.2.6 Floodplain Considerations –

4.21.2.6.1 – Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain (see Ordinance 2016-79).

4.21.2.6.2 – Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.

4.21.2.6.3 – Drilling associated structures, equipment, development and disturbance in the remainder of the regulated floodplain are discouraged. Upon reasonable justification submitted by the applicant that the only suitable place on the property controlled by the applicant to access the gas or oil is from a site area located in the flood fringe segment of the regulated (or 100-year) floodplain, a zoning permit may be issued by the Zoning Officer, provided that compliance is demonstrated with the floodplain regulations of the Township and upon submission of a flood evacuation plan.

4.22 Self-Storage Facility

4.22.1 – No residential use or business activity other than the self-storage units shall be permitted within the facility.

4.22.2 – The premises shall be used exclusively for the storage of personal property, goods and materials. No explosive, toxic, radioactive or highly flammable materials or substances shall be stored within the units.

4.22.3 – Limited Accessory Use – The sale of moving and storage supplies and the rental of moving trucks, clearly incidental to the primary use, shall be permitted out of the office of the self-storage facility.

4.22.4 – In connection with a Self-Storage Facility, currently licensed recreation vehicles may be stored outside on the premises, provided, that the portion of the premises dedicated to such use is at least 300 feet from any public road right-of-way, is in a separate fenced area and does not abut any residential use.

4.22.5 – A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Section 4.1.10, 4.1.11 and 4.1.12 respectively).

4.23 Shopping Center

4.23.1 – Minimum Lot Area: 10 acres

4.23.2 – Minimum Lot Width: 400 ft.

4.23.3 – Minimum Yards:

- Front: 80 ft.
- Side Abutting: 40 ft.
- Side Not Abutting: 20 ft.
- Rear Abutting: 40 ft.
- Rear Not Abutting: 20 ft.

- 1.23.4 – A landscape and lighting plan shall be submitted in conjunction with a land development plan for this use (see Section 4.1.10, 4.1.11 and 4.1.12 respectively).

4.24 Surface Mining

The applicant shall submit a site plan indicating areas that are proposed for excavation, proposed quarry and spoiling stockpiles, roadways, driveways, buildings and other structures, water bodies, and screening areas and materials.

4.24.1 – The applicant shall demonstrate compliance with all pertinent environmental requirements including floodplain, wetland, erosion and sedimentation control, and surface mining regulations.

4.24.2 – This use shall not be permitted within 100 ft. of the outside line of the right-of-way of any public highway or within three hundred (300) feet of any occupied dwelling, unless the consent to do so is released by the owner thereof, or any public building, school, park, or community or institutional building.

4.24.3 – This use shall not be permitted within one hundred (100) feet of any cemetery or the bank of any stream.

4.24.4 – The applicant shall submit an appropriate screening plan which may make use of spoils material provided that it shall be neatly graded and vegetated. Screening may be located within the restricted zones noted above.

4.24.5 Community and Environmental Impact Analysis – Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

4.24.5.1 – Hydrologic analysis and information;

4.24.5.2 – Information concerning geologic conditions;

4.24.5.3 – USDA - NRCS soils classification information;

4.24.5.4 – Information on mineral bearing areas;

4.24.5.5 – Land use analysis;

4.24.5.6 – Information regarding transportation impacts;

4.24.5.7 – Information regarding emergency and safety services;

4.24.5.8 – Economic impact analysis; and

4.24.5.9 – Air quality impact analysis.

4.25 Townhouses

4.25.1 Minimum Lot Area and Width –

Bedrooms	Max. Lot Area Per Unit	Max. Lot Width
1	1600 sq. ft.	18 ft
2	1800 sq. ft.	20 ft
3	2000 sq. ft.	22 ft
4	2200 sq. ft.	26 ft

4.25.2 Minimum tract size for a development – 3 acres

4.25.3 Maximum Gross Density – 5 dwelling units per acre

4.25.4 Minimum Building Lines –

- Front: 25 ft.
- Side: zero (between units)
- Rear: 30 ft.

4.25.5 Water and Sewage Facilities – The development must be served by central water and central sewage facilities.

4.26 Uses Not Provided For

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 15.2 of this Ordinance. In addition, the use may only be permitted if:

4.26.1 – It is similar to and compatible with the other uses permitted in the zone where the subject property is located;

4.26.2 – It is not permitted in any other zone under the terms of this Ordinance; and

4.26.3 – It in no way conflicts with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.

4.27 Waste Facility or Waste Transfer Facility

4.27.1 – No application considered for a Conditional Use under this section shall be processed unless fully permitted by the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and such other federal or state agencies as required under the applicable enabling statutes.

4.27.2 – All facilities considered for a Conditional Use under this section shall not be located in the following locations (as measured from the property line of the facility):

4.27.2.1 – Within 2 miles of a well or spring used for a community water supply;

4.27.2.2 – Within 2 miles of a stream or impoundment for a distance of 5 stream miles upstream of a surface water intake for a community water supply;

4.27.2.3 – Within any 100-year floodplain or a larger area that the flood of record has inundated;

4.27.2.4 – Within any wetland area;

4.27.2.5 – Over any active or inactive oil or gas wells or storage areas;

4.27.2.6 – Over any formations of carbonate bedrock;

4.27.2.7 – Within 2 miles of any National Landmark or historic site as listed on the National Register of Historic Places;

4.27.2.8 – Within any Agricultural Security Area;

4.27.2.9 – In farmlands classified as Class I by the U.S.D.A. Soil Conservation Service;

4.27.2.10 – Within one (1) mile of any school, church, hospital, clinic, day care facility, prison, jail, halfway house, rehabilitation facility, airport, retail center, nursing home, or government building;

4.27.2.11 – Within 2 miles of any designated Aquifer Protection Area or Well-head Protection Area; or

4.27.2.12 – Within 1 mile of persons certified as "at risk" by at least 2 physicians licensed by the Commonwealth of Pennsylvania.

4.27.3 Community and Environmental Impact Analysis – Applicants shall submit a Community and Environmental Impact Analysis which shall consist of the following information:

4.27.3.1 – Hydrologic analysis and information;

4.27.3.2 – Information concerning geologic conditions;

4.27.3.3 – USDA - NRCS soils classification information;

4.27.3.4 – Information on mineral bearing areas;

4.27.3.5 – Land use analysis;

4.27.3.6 – Information regarding transportation impacts;

4.27.3.7 – Information regarding emergency and safety services;

4.27.3.8 – Economic impact analysis; and

4.27.3.9 – Air quality impact analysis.

4.27.4 Application Requirements – The Applicant shall submit the following information pertaining to the site or project:

4.27.4.1 – A description of the specific types of wastes the applicant proposes to accept for treatment, processing, or disposal;

4.27.4.2 – A description of the specific technology and procedures the applicant proposes to use to treat, process, and dispose of the waste at the facility;

4.27.4.3 – A preliminary site plan, preliminary facility specifications and architectural drawings of the proposed facility;

4.27.4.4 – A statement of qualifications to operate a waste disposal facility;

4.27.4.5 – A proposed siting agreement specifying the terms, conditions, and provisions under which the facility shall be constructed, maintained, and operated, including but not limited to the following:

- Facility construction and maintenance procedures;
- Operating procedures and practices, the design of the facility and its associated activities;
- Monitoring procedures, practices and standards necessary to ensure safe operation of the facility;
- The services to be offered by the applicant to the community;
- The compensation, services and special benefits to be provided to the community by the applicant and the timing and conditions of their provision;
- Provisions for controlling odors and noise associated with this use;
- Provisions for renegotiations of any term, conditions or provision of the sitting agreement;
- Provisions for resolving any disagreements in the construction and interpretation of the sitting agreement that may arise between the parties;
- Provisions for compensation to be paid to abutting landowners, residents, occupants, or impacted communities for demonstrated adverse impacts;
- Provision for direct monetary payments to the Township and special services to be provided for demonstrated adverse impacts;
- Provision to ensure health, safety, comfort, convenience and social and economic security of the township;
- Provision to assure the protection of environmental and natural resources;
- Provisions to compensate the borough, the county and/or other agencies for the review costs incurred due to the applicant's proposal, and to allow site access for review purposes

4.28 Wind Energy Facility

4.28.1 Purpose – The purpose of the section is to provide for the construction and operation of Wind Energy Facilities in areas of Nippenose Township, subject to reasonable conditions that will protect the public health, safety and welfare.

4.28.2 Applicability –

4.28.2.1 – These regulations apply to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance, except that this Ordinance is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use.

4.28.2.2 – Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

4.28.2.3 – No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within the areas of Nippenose Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance.

4.28.2.4 – Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require permit modification.

4.28.3 Permit Application –

4.28.3.1 – The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance.

4.28.3.2 – Among other things, the application shall contain the following:

4.28.3.2.1 – A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

4.28.3.2.2 – An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

4.28.3.2.3 – Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

4.28.3.2.4 – A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

4.28.3.2.5 – Documents related to decommissioning.

4.28.3.2.6 – Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.

4.28.3.3 – Within (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.

4.28.3.4 – Within sixty (60) days of a completeness determination, the Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public will be afforded an opportunity to ask questions and provide comment on the proposed project.

4.28.3.5 – Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Township will decide whether to issue or deny the permit application.

4.28.3.6 – Throughout the permit process, the Applicant shall promptly notify Township of any changes to the information contained in the permit application.

4.28.3.7 – Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

4.28.4 Design and Installation –

4.28.4.1 Design Safety Certification – The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

4.28.4.2 Uniform Construction Code – To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§ 403.1 - 405.142.

4.28.4.3 Controls and Brakes – All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4.28.4.4 Electrical Components – All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

4.28.4.5 Visual Appearance; Power Lines –

4.28.4.5.1 – Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

4.28.4.5.2 – Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

4.28.4.5.3 – Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.

4.28.4.5.4 – On-site transmission and power lines between Wind Turbines shall, to the maximum extent practical, be placed underground.

4.28.4.6 Warnings –

4.28.4.6.1 – A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

4.28.4.6.2 – Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

4.28.4.7 Climb Prevention/Locks –

4.28.4.7.1 – Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.

4.28.4.7.2 – All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

4.28.5 Setbacks –

4.28.5.1 Occupied Buildings –

4.28.5.1.1 – Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the normal setback requirements for that zoning classification or 1.2 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

4.28.5.1.2 – Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

4.28.5.2 – Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.2 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

4.28.5.3 – Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

4.28.6 Alteration of Setbacks –

4.28.6.1 – Property owners may alter the setback requirements in Section 4.27.5.1.2 (Occupied Buildings on Non-participating Landowner's property) and Section 4.27.5.2 (Property Lines) by signing a document that sets forth the applicable setback provision(s) and the proposed changes.

4.28.6.2 – The written document shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.

4.28.6.3 – Any such document shall be recorded in the Recorder of Deeds Office for Lycoming County. The document shall describe the properties benefited and burdened and advise all subsequent purchasers of the burdened property that the setback alteration shall run with the land and may forever burden the subject property.

4.28.6.4 – Upon application, the Township may alter the setback requirement for public roads for good cause.

4.28.7 Use of Public Roads –

4.28.7.1 – The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

4.28.7.2 – The Township's engineer or a qualified third-party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

4.28.7.3 – The Township may bond the road in compliance with state regulations.

4.28.7.4 – Any road damage caused by the applicant, or its contractors shall be promptly repaired at the applicant's expense.

4.28.7.5 – The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

4.28.8 Local Emergency Services –

4.28.8.1 – The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).

4.28.8.2 – Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

4.28.9 Noise and Shadow Flicker –

4.28.9.1 – Audible sound from a Wind Energy Facility shall not exceed fifty (50 dBA), as measured Landowner’s property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equivalent to or exceed standards described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: Operator.

4.28.9.2 – The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner’s property.

4.28.10 Waiver of Noise and Shadow Flicker Provisions –

4.28.10.1 – Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.

4.28.10.2 – The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Wind Energy Facility.

4.28.10.3 – Any such waiver shall be recorded in the Lycoming County Recorder of Deeds Office. The waiver shall describe the properties benefited and burdened and advise that the waiver of sound or flicker limits purchases of the burdened property forever burdens the subject property.

4.28.11 Signal Interference – The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

4.28.12 Liability Insurance – There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.

4.28.13 Decommissioning –

4.28.13.1 – The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Turbines within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbine Turbines. The Wind Energy Facility or individual Wind Turbines will be presumed at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

4.28.13.2 – Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches below ground level, and any other associated facilities.

4.28.13.3 – Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

4.28.13.4 – An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

4.28.13.5 – The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs: Provided, that at no point shall posted and maintained Decommissioning Funds be less than twenty five percent (25%) of the estimated Net Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Township.

4.28.13.6 – Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

4.28.13.7 – If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 4.27.13.1, then the landowner shall have six (6) months to complete decommissioning.

4.28.13.8 – If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Sections 4.27.13.1 and 4.27.13.7, then the Township may take such measures as necessary to complete decommissioning and may take such action as necessary to implement the decommissioning plan.

4.28.13.9 – The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

4.28.14 Public Inquiries and Complaints –

4.28.14.1 – The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

4.28.14.2 – The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

4.28.15 Remedies –

4.28.15.1 – It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance.

4.28.15.2 – If the Township determines that a violation of the Ordinance or the permit has occurred, the Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

4.28.15.3 – If after thirty (30) days from the date of the notice of violation the Township determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

4.29 Solar Energy Development

4.29.1 Relationship to Other Requirements – The provisions, regulations, limitations and restrictions of this Section 4.29 shall supersede all provisions, regulations, limitations and restrictions of this Ordinance that are in conflict with the provisions, regulations, limitations and restrictions set forth in this Section 4.29. To the extent that a provision, regulation, limitation or restriction is not specifically referenced in or regulated by this Section 4.29, then the applicable provisions, regulations, limitations and restrictions of this Ordinance, as applicable, shall govern.

4.29.2 Requirements – Notwithstanding any provision of this Ordinance to the contrary, all Solar Energy Developments shall comply with the following requirements:

4.29.2.1 Solar Energy System Design and Installation

4.29.2.1.1 Design Safety Certification – The design of the Solar Energy Development at all times shall conform to all applicable industry standards, including those of the American National Standards Institute.

4.29.2.1.2 Uniform Construction Code – To the extent applicable, the Solar Energy Development shall comply with the Pennsylvania Uniform Construction Code, 34 Pa Code §§ 403.1 – 403.142.

4.29.2.1.3 Electrical Components – All electrical components of the Solar Energy Development shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

4.29.2.1.4 Noise – Noise emitted from Solar Energy Development equipment shall not exceed 60 dBa, measured at the exterior lot lines of the Solar Energy Development.

4.29.2.1.5 Non-Interference – The Solar Energy Development shall not cause any radio frequency interference with consumer appliances.

4.29.2.2 Solar Energy Development Site

4.29.2.2.1 Participating Landowner(s) and Land – The Solar Energy Development shall be permitted to be located on one or more lots or tax parcels under single or multiple ownership so long as the Applicant provides written authorization from the owner(s) of all lots or tax parcels on which the Solar Energy Development will be located.

4.29.2.2.2 Plan Approval – Subdivision plan approval shall not be required when a Solar Energy Development is located on a leased area that is more or less than the entire lot or tax parcel or tax parcels. A land development plan approval shall be required for a Solar Energy Development.

4.29.2.2.3 Required Fencing and Minimum Setbacks –

4.29.2.2.3.1 – All solar panels, batteries, storage cells, substations, inverters and supporting mechanical equipment necessary for the operation of the Solar Energy System, which are not enclosed within a building, as well as all internal open space and circulation areas between rows of panels shall be enclosed within a perimeter security fence with a minimum height of six (6) feet.

4.29.2.2.3.2 – All buildings and required fenced areas shall be set back at least:

4.29.2.2.3.2.1 – 25 feet from occupied principal buildings located on lots on which the Solar Energy Development is located, but which occupied principal buildings are not part of the Solar Energy Development;

4.29.2.2.3.2.2 – 50 feet from lot lines of adjoining lots with existing dwellings on which the Solar Energy Development is not located. These setback requirements, as well as any yard or setback requirements of the underlying zoning district are not applicable to any interior lot line or property line of a lot on which the Solar Energy Development is located and bisecting the Solar Energy Development site.

4.29.2.2.4 – Maximum Lot/Impervious Coverage – Except as noted herein, the areas beneath individual solar panels are considered pervious (i.e., not impervious surface). All supporting foundation systems for the solar panels, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars shall be considered impervious surface. The maximum lot/impervious coverage of a Solar Energy Development shall be thirty-five percent (35%) as measured across all lots collectively comprising the Solar Energy Development.

4.29.2.2.5 Access and Parking

4.29.2.2.5.1 A minimum 10-foot-wide gravel access drive shall be provided within a minimum 20-foot-wide access easement connecting the Solar Energy Development to a street or road so as to ensure adequate emergency and service access is provided. Internal circulation aisles installed for onsite circulation between the rows of solar panels within the Solar Energy Development shall be at least 10-feet wide and shall be permitted to be grass covered.

4.29.2.2.5.2 Off-street parking and off-street loading are not required, except at least one (1) off-street parking space shall be provided at any substation that is part of a Solar Energy Development.

4.29.2.2.6 Minimum Buffer Area/Screening

4.29.2.2.6.1 A minimum 25-foot-wide buffer area, consisting of natural and undisturbed vegetation and any required screening treatments, shall be provided along:

4.29.2.2.6.1.1 Road frontage of lots that are part of the Solar Energy Development; and

4.29.2.2.6.1.2 Adjoining lots where the existing dwellings are within 50 feet of the Solar Energy Development but are not part of the Solar Energy Development.

4.29.2.2.6.2 Access driveways, utility lines, and stormwater management facilities shall be permitted to cross perpendicularly any required buffer area.

4.29.2.2.6.3 The buffer area shall be permitted to coincide with and be located within any required yard or setback area. [Previous content remains the same...]

4.29.2.2.6.4 Where the required buffer area is located within 50 feet of an existing dwelling on a lot or property that is not part of the Solar Energy Development, the buffer area shall include a combination of preservation of existing mature vegetation or newly installed vegetation, walls or solid fences, or topography, or other acceptable screening treatment, so as to achieve a minimum of 50% opacity throughout the year, at a minimum height of 6-feet, within 5 years of the Solar Energy Development commencing operation.

4.29.2.2.7 Glare – Solar arrays and panels shall incorporate anti-reflective surfaces or be placed and arranged such that objectionable glare shall not result on adjoining properties or streets or roads. The applicant shall submit with the conditional use application a glare analysis in a form acceptable to the Township. The applicant's glare analysis demonstrates glare potential for all days of the year and all hours of

the day and shall demonstrate to the Township's satisfaction that no objectionable glare will result on adjoining properties or streets or roads.

4.29.2.2.8 Signs – Warning/safety signs indicating voltage shall be placed on solar equipment, including substations and inverters, to the extent appropriate. Solar equipment shall not be used for displaying any advertising. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except:

4.29.2.2.8.1 – Manufacturer's, installer's, or operator's identification;

4.29.2.2.8.2 – Appropriate warning signs and placards;

4.29.2.2.8.3 – Signs that may be required by a federal or state government agency; and

4.29.2.2.8.4 – Signs that provide 24-hour emergency contact information.

4.29.2.2.9 Use of Public Roads

4.29.2.2.9.1 – The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Solar Energy Development.

4.29.2.2.9.2 – The Township's engineer or a qualified third-party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

4.29.2.2.9.3 – The Township may require the applicant to bond any road to be used during construction of the Solar Energy Development. Any bonding required shall be in accordance with the Township's regulations for bonding of roads.

4.29.2.2.9.4 – Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

4.29.2.2.9.5 – The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

4.29.2.3 Abandonment – A Solar Energy Development that has not generated electricity for a period of 36 consecutive months shall be deemed to be abandoned and shall be decommissioned within 18 months from the date it is deemed abandoned. A decommissioning plan shall be submitted as part of the zoning permit application for the Solar Energy Development and shall include, but not be limited to, the following:

4.29.2.3.1 – A schedule and methods for the removal of the Solar Energy Development;

4.29.2.3.2 – A plan for restoring the land to its condition that existed immediately prior to the development of the Solar Energy Development, including grading and vegetative stabilization, but excluding buildings and other structures;

4.29.2.3.3 – A performance bond or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning plan, which shall be submitted prior to the start of construction of the Solar Energy Development; and

4.29.2.3.4 – An obsolete or unused Solar Energy Development and appurtenant structures shall be removed from the property within 18 months of abandonment or decommissioning.