**ARTICLE 5**

**SUPPLEMENTARY LOT REGULATIONS**

1. **PURPOSE**

The provisions of this Article represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common within all zoning districts or are to be applied to specific situations as may be otherwise stated throughout the Ordinance.

1. **GENERAL LOT REQUIREMENTS**
	1. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.
	2. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, or other approved land developments.
	3. No building shall hereafter be erected unless there is direct access to the structure through an open space on the same lot or a right-of-way at least 50 feet in width extending from the lot to a public street.
	4. The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac, turnarounds or curves in the road or lots of unusual shape may have lot widths of less than those required provided that the average of the front and rear lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 75 feet.
	5. No portion of a lot included in a street right-of-way, whether public or private, shall be included in calculating the lot's area.
	6. No part of a yard or other open space required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other building. ·
2. **YARD REQUIREMENTS**
	1. Projections
		1. Chimneys, flues, cornices, eaves, gutters, or bay windows may project into any required yard, but not more than 24 inches.
		2. Covered porches, patios, decks and attached carports, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into any required yard.
		3. Uncovered patios, decks, driveways, walks, steps, and other such structures may project into required yards provided they are no higher than 12 inches above yard grade. In no case however, shall such structures be located closer than five (5) feet to any property line.
	2. Front Yards
		1. Front yard setbacks shall be as set forth in the District Regulations and shall be measured from either the centerline of the adjoining street or road, unless specified otherwise in the District Regulations. Where a lot has no road frontage, the front yard setback shall be equal to one-half (½) of the required yard dimension for the district in which the lot is located and shall be measured from the edge of the front property line.
		2. Accessory buildings or structures may not be erected within any required front yard.
		3. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.
		4. Where an addition is proposed for an existing principal building which extends into the required front yard, the addition may be authorized by the Zoning Officer so long as the addition extends no further into the required front yard than 50% of the existing structure. Where more than 50% is proposed the decision must be made by the Zoning Hearing Board.
		5. Off-street parking and loading areas may be located within a required front yard, but only as may be provided by the District Regulations.
		6. Signs may be erected within a required front yard in accordance with the requirements set forth in Article 7.
	3. Side Yards
		1. On a comer lot, the side yard abutting the street shall have a depth equal to the required front yard for the district in which the lot lies. The remaining two (2) yards shall constitute a side yard and a rear yard.
		2. Accessory buildings or structures may not be constructed within a required side yard, except as may be provided in the District Regulations.
		3. Signs may be erected within a required side yard in accordance with the requirements set forth in Article 7.
	4. Rear Yards
		1. Accessory buildings or structures may not be constructed within a required rear yard, except as may be provided in the District Regulations.
		2. Signs may be erected within a required rear yard in accordance with the requirements set forth in Article 7.
3. **HEIGHT REGULATIONS**
	1. Height regulations shall not apply to spires, belfries, cupolas; penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, utility poles, solar collectors or related equipment, and ornamental or other necessary mechanical appurtenances normally associated with homes, churches and similar establishments. Such appurtenances shall however be erected only to such a height as is necessary to accomplish their intended purpose.
	2. Agricultural or industrial structures such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in the District Regulations.
	3. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards and criteria of the U.S. Department of Transportation, Federal Aviation Administration.
	4. Radio and commercial communication towers may only exceed the maximum height where setbacks equal their height.
4. **MISCELLANEOUS PROVISIONS**
	1. Two or More Principal Uses in the Same Building

When two (2) or more principal uses occupy the same building (not including home occupations as outlined in Section 431), sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full, unless provided otherwise in this Ordinance or as part of an authorized land development.

* 1. Multiple Frontage Lots

On comer lots, or lots with double frontage, each side of the lot having a road frontage shall meet the required front yard setback for the lot.

* 1. Spacing of Non-Residential Buildings

Where two (2) or more principal, non-residential structures are proposed to be built on a single lot, front, side and rear yard setbacks shall be required only at lot lines abutting other properties.

* 1. Fences and Walls
		1. No fence or wall exceeding six (6) feet in height shall be erected within any of the yards required by this Ordinance, except in the Commercial or Industrial Districts where security fences may be up to ten (10) feet in height. (See also Sub-section 3 below.)
		2. In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements contained in Section 504 E. below.
		3. Fences having only one finished side shall be installed so that the finished side faces out or away from the subject property.
		4. All finished fences shall be maintained in good condition and shall not be allowed to become dilapidated.
		5. Fences in the Floodplain-See Article 6.
	2. Obstructions to Vision at Street or Driveway Intersections
		1. No fence, wall, sign or other structure shall be erected or altered and no hedge, shrub, tree, or other growth shall be maintained which may cause danger to traffic on a street or road by obscuring a driver's view at a street or driveway intersection.
		2. At all street and/or driveway intersections, no obstruction or planting measuring higher than 30 inches or hanging lower than eight (8) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street centerline. These distances shall be as follows:
			1. For the intersection of two (2) streets, the distance from the intersection of the street centerline shall be 75 feet.
			2. For the intersection of a street and a driveway, the distance shall be measured from the edge of the improved portion of the adjoining street.
	3. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the District Regulations, Article 3, for the district in which the lot is located.

* 1. Erosion and Sedimentation Control

All erosion .and sedimentation control requirements set forth in the applicable Subdivision and Land Development Ordinance or DEP, Title 25, Chapter 102, "Erosion Control", shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Building/Zoning Permit.

* 1. Drainage and Stormwater Management

All drainage and/or stormwater management standards set forth in the applicable Subdivision and Land Development Ordinance and Act 1978-167, the PA Stormwater Management Act, shall be met to the satisfaction of the Township Zoning Officer before the issuance of a Building/Zoning Permit. As per the requirements of Act 167, the post-development run-off rate of the site shall not exceed the tract's pre-development run-off rate.

* 1. Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or on public streets.

1. **BUFFER YARDS**
	1. Where a commercial or industrial use abuts a residential district or a residential use, a buffer yard of at least 25 feet shall be required, unless provided otherwise in the District Regulations. The buffer yard shall be a part of the commercial or industrial installation and shall be maintained by that property owner.
	2. Where a commercial or industrial use abuts a stream, drainage channel, or delineated wetland area, a buffer yard of at least 50 feet shall be required. The yard shall be measured from the nearest edge of the stream, channel or wetland. For residential uses, a buffer of at least 25 feet shall be provided where a such use abuts a stream, drainage channel or delineated wetland.
	3. Buffer yards required for residential uses shall be not less than 15 feet in width, unless provided otherwise in Article 4, the Supplementary Use Regulations, of this Ordinance.
	4. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Where required within buffer yards, screening shall be accomplished in accordance with Section 506 below.
	5. A buffer yard may be considered as part of the required yard space.
	6. No structure, manufacturing or industrial activity, or storage of materials shall be permitted in a required buffer yard; however, access drives, as well as utilities, may cross buffer yards. In addition, vehicle parking or loading areas may be situated in such buffer areas, but only in accordance with the standards set forth in the District Regulations for the district in which the use is located.
2. **SCREEN PLANTING**
	1. Screen planting may be required as provided in Article 4, the Supplementary Use Regulations, or where determined necessary by the Township Supervisors or Zoning Hearing Board, as appropriate, to serve as a barrier to visibility, glare, and noise between adjacent properties.
	2. Plant or vegetative materials, including shrubs or evergreens, used in screen planting shall be of such species as will produce, in two (2) years, a complete visual screen six (6) feet in height and of such density as is necessary to achieve the intended purpose.
	3. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not live shall be replaced within one (I) year.
	4. Screen planting shall be placed so that, at maturity, it will be no closer than ten (10) feet to any street or right of way nor closer than three (3) feet to any property line.
	5. In accordance with the provisions of Section 504 E., a clear sight triangle shall be maintained at all street intersections and where driveways or private access ways intersect public streets.
	6. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements.
3. **ON-LOT STORAGE** (See also Section 509)

For the purposes of this Ordinance, the unenclosed storage of materials, vehicles, equipment or similar items on any lot, in any zoning district, may only be authorized as accessory to an approved, principal use and shall be subject to the following standards.

* 1. General Requirements
		1. Such storage shall be located on the lot occupied by the owner of the stored material, vehicle or item.
		2. Such storage shall not constitute a nuisance.
		3. No such storage shall be permitted in a front yard and shall be situated so as to meet the applicable side and rear yard setback requirements of the district in which it is located.
		4. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such storage.
		5. In the Residential District, all permanent storage areas shall be screened or shielded from view by a fence, wall or screen planting which is open or broken only where necessary for vehicle entrances and exits and to avoid obstructing a clear sight triangle, or the material or unit being stored shall be covered with a non-transparent or opaque tarp.
		6. No on-lot storage shall be permitted in a Floodway District.
		7. There shall be no on-street parking of recreational vehicles (RV) campers, boats or similar vehicles.
1. **ACCESSORY STORAGE TRAILERS**

For the purposes of this Ordinance, an accessory storage trailer shall be defined as 1) that part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used for storage purposes, or 2) a mobile home, travel trailer, or similar type of manufactured housing unit not being utilized for residential purposes, which has been placed on a lot with a principal use and is being used exclusively for storage, as an accessory use. The following standards shall be applied to such uses.

* 1. Storage trailers may only be permitted as accessory uses in the Agricultural, Industrial and Commercial Districts. Such units must be used for storage purposes and all unused or vacant units must be removed from the site.
	2. When possible, the suspension system under the trailer shall be removed and the unit shall be placed on a foundation or shall be otherwise affixed to the ground. Where such unit is to be used for agricultural purposes however, wheels may be left on the unit as a means of facilitating its use for such activities.
	3. No accessory storage trailers shall be permitted in the Floodway District. When located in any other designated flood plain area, all such units shall be floodproofed in accordance with the standards set forth in Section 602 of this Ordinance.
	4. No more than two (2) such units may be permitted to be located on a single tract of ground.
	5. Permitted storage trailers must meet all applicable setback requirements for the district in which they are located and shall be situated on the site so as to be as inconspicuous as possible.
1. **JUNKED OR ABANDONED MOTOR VEHICLES**

No junked or abandoned motor vehicles (motor vehicles which bear no current license and inspection or are in inoperable condition) may be stored outside of an enclosed structure in any district for a period of time exceeding 60 days, unless such vehicles are associated with an existing or proposed legitimate business operation and shall meet all district setback requirements.

Disabled or unusable farm-related vehicles and equipment shall be exempt from these regulations, provided that they are setback a minimum of 50 feet from all residential structures and public rights-of-way or are screened from view by the use of a fence or screen planting as set forth in Section 506 of this Ordinance.

1. **SMALL WIND ENERGY SYSTEMS**
	1. Definition.
	2. Controls.
		1. Lot size shall not be less than one (1) acre inclusive of the permitted principal use.
		2. The tower height inclusive of blade tip shall not exceed one-hundred-twenty (120) feet measured from the ground level below the base of the tower.
		3. Setbacks from all lot lines shall be a factor of 1.1 times the tower height. Towers are prohibited from locating in the front yard.
		4. Monopole tower style is encouraged. Guy wires of towers shall be located on the premises of the applicant.
		5. The small wind energy system is to operate on the same lot to serve the principal use.
	3. Decommissioning

Documents related to decommissioning shall be provided including decom-missioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in Section\_\_\_\_.

**511. COMMUNICATIONS ANTENNAS, COMMUNICATION EQUIPMENT BUILDINGS, AND COMMUNICATION 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:

1. Building mounted Communications Antennas shall not be permitted on any single family dwelling or two family dwelling;
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.
3. Omni directional or whip Communication Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
4. Direction or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.
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.
6. Any applicant proposing Communication Antennas to be mounted on 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.
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 and Communication Equipment Building can be accomplished.
8. Communication Antennas shall not cause radio frequency interference with other communication facilities located in the Township.
9. A Communication Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
10. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable and Communication Antennas.

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 Communication Commission governing human exposure to electromagnetic radiation.

Communication Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations

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 Communication Antennas on an existing Building, Structure or Communication Tower. A good faith effort shall require that all owners of potentially suitable Structures within materially the same coverage area of the proposed Communication Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing Structure and the interference cannot be prevented at a reasonable cost.
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. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
5. A reasonable agreement could not be reached with the owner of such Structures.
6. 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.
7. A Communications Tower may be located on a lot occupied by other principal Structure and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
8. Any applicant proposing a Communication Tower shall submit detailed construction, plan view and elevation drawings for determining compliance with all applicable provisions of this ordinance.
9. Any applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.
10. 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.
11. The base of a Communication Tower shall be landscaped so as to screen the foundation and base and Communication Equipment Building from abutting properties.
12. 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 Supporting Structures, published by the Electrical Industrial Association/Telecommunication Industry Association and any applicable Building Code.
13. 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 Communication Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,00.00 per occurrence and property damage coverage in the minimum amount of $1,000,000.00 per occurrence covering the Communication Tower and Communication Antennas.
14. All guy wires associated with guyed Communication Towers shall be clearly marked for the first eight (8) feet from ground level so as to be visible at all times and shall be located with a fenced enclosure.
15. The site of a Communication Tower shall be secured by a fence with a height of eight (8) feet to limit accessibility to the general public.
16. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other 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 power necessary for the application. During nighttime hours only red lights may be utilized. Lighting shall be evaluated for impacts to adjacent properties.
17. The preferred Tower design is one that blends with the landscape. The “Guidelines for Utility Towers” found in the *PA Wilds Guidelines for Community Character Stewardship, Second Edition 2017* are a reference to be utilized for tower design.
18. Communications Towers shall be protected and maintained in accordance with the requirements of any applicable Building Code.
19. Documents related to decommissioning shall be provided including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in Section 5.1.16.

**512 NO IMPACT HOME BASED BUSINESS**

The 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.

**513 OIL AND GAS WELL DEVELOPMENT AND RELATED FACILITIES**

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 floodpain 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 that it is preempted from regulating oil and gas operations to the extent that such operations are regulated by the environmental acts. This part intended to comply with such preemptive restrictions.

1. Pipeline Construction and Seismic Operations

Pipeline construction and seismic operations shall be permitted use within all zoning districts; provided, that such activities are conducted in accordance with all applicable Federal and State laws and regulations, including, but not limited to those relating to the storage and use of explosives.

1. Natural Gas Compressor Stations, Processing Plants, Metering Station
	* 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.
		2. Proposed structures must be located 350 feet from any public or private road and public or private driveway.
		3. Proposed structures must be located 1,000 feet from any school building, hospital building, nursing home building, park, playground or church building.
		4. The compressors are required to be enclosed in a building with doors.
		5. All lights located on any site shall be shielded, designed and directed in such a manner so that they do not shine directly onto any public road or adjacent dwelling.
		6. Must operate in such a manner that the noise level generated by the natural gas compressor station does not exceed the applicable standard imposed by Federal law; documentation to this effect is required with zoning application.
		7. Written documentation of the steps the applicant will take to mitigate or resolve impacts, whether temporary or permanent, specifically related to potentially noxious, hazardous or nuisance occurrences within the district or to any adjacent district.
		8. Natural gas compressor stations/processing plants/metering stations shall be fenced and buffered from adjacent areas in accordance with the requirements of this ordinance.
		9. Documents related to decommissioning shall be provided including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning.
2. Water Reuse Storage Facility, Water Withdrawal Facility

Documents related to decommissioning shall be provided including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning.

Impoundments that are used solely for fresh water storage do not require zoning permit.

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

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.

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

1. Oil and Gas Development
2. These regulations apply to all new oil and gas drilling sites proposed to be constructed after the effective date of the ordinance codified in this Part.
3. Any physical modification to an existing site materially altering the size, type, location and/or number of wells or other accessory equipment shall require a permit or, in the case of additional wells, notice under this Part.
4. Permit fees will be based on the area of the well pad or the area to be developed for accessory uses for a well pad.
5. Oil or gas well sites are prohibited unless the outer edge of the well pad is as least 750 feet from an existing building.
6. Oil and gas operations, other than the placement, use and repair of oil and gas pipelines, water pipelines, access roads and security facilities, are prohibited from taking place within 750 feet of an existing building.
7. All oil and gas development shall be governed by Pennsylvania statute.
8. Application Requirements
9. A zoning permit shall be required prior to the commencement of all new oil or gas activities, and to the addition to any existing activity or sites 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:

All information required on the zoning permit application;

a narrative describing the proposed activity;

the approximate number of acres to be disturbed for development;

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

identification of area roads that will be used to access the site and description of the vehicles relating to the use. When appropriate, furnish a copy of the excess maintenance agreement for any road and weight limits that will be used;

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

a copy of any permits issued at the time of submittal, including any DEP permits and any applicable PennDOT or municipal highway occupancy or driveway permits.

1. Floodplain Considerations
2. Drilling and placing associated structures and equipment are not permitted in the floodway of the regulated floodplain (see……………….)
3. Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.
4. 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.

**514 USES NOT PROVIDED FOR**

Whenever, under this Ordinance, a use is neither specifically permitted or 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 a 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 of this Ordinance. In addition, the use may only be permitted if:

1. It is similar to and compatible with the other uses permitted in the zone where the subject project is located;
2. It is not permitted in any other zone under the terms of this Ordinance; and
3. It in no way is in conflict with the general purpose 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.

**515 WIND ENERGY FACILITY**

1. Purpose

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

1. Applicability
2. 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.
3. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall 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. 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 Cummings

Township unless a permit has been issued to the Facility Owner or operator approving construction of the facility under this Ordinance.

1. 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 a permit modification.
2. Permit Application
3. The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance.
4. Among other things, the application shall contain the following:
5. 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.
6. 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.
7. 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.
8. 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.
9. Documents related to decommissioning including decommissioning cost, net decommissioning cost, and the proposed form and provider of the fiscal guarantee to cover decommissioning as specified in \_\_\_\_\_\_\_\_\_\_\_\_
10. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.
11. Within thirty (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
12. 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 shall be afforded an opportunity to ask questions and provide comment on the proposed project.
13. Within one hundred and twenty (120) 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 shall be afforded an opportunity to ask questions and provide comment on the proposed project.
14. Throughout the permit process, the Applicant shall promptly notify Township of any changes to the information contained in the permit application.
15. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.
16. Design and Installation
17. 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 Vertas, Germanishcer Llloyd Wind Energies, or other similar certifying organizations.

1. Uniform Construction Code

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1-403.142.

1. 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.

1. 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 standars.

1. Visual Appearance; Power Lines
2. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
3. 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. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
5. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practical, be placed underground.
6. Warnings
7. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
8. 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.
9. Climb Prevention/Locks
10. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
11. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
12. Setbacks

Occupied Buildings

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.

1. 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.

Property Lines

1. 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.

Public Road

1. 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.
2. Alteration of Setbacks
3. Property owners may alter the setback requirements in (Occupied Buildings Section on Non-participating Landowner’s property) and (Property Lines Section) by signing a document that set forth the applicable setback provision(s) and the proposed changes.
4. 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.
5. 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.
6. Upon application, the Township may alter the setback requirement for public roads for good cause.
7. Use of Public Roads
8. 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.
9. 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.
10. The Township may bond the road in compliance with state regulations.
11. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant’s expense.
12. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads in the form of a performance bond.
13. Local Emergency Services
14. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).
15. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
16. Noise and Shadow Flicker
17. Audible sound from Wind Energy Facility shall not exceed fifty (50) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner’s property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 -1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from the Wind Turbine Generation Systems volune I: First Tier.*
18. The facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner’s property.
19. Waiver of Noise and Shadow Flicker Provisions
20. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights which shall be recorded at the Lycoming County Recorder of Deeds office and a copy of the receipt for recording provided to the Zoning Officer.
21. 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 the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.
22. 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 all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.
23. Signal Interference
24. 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.
25. Liability Insurance
26. 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.
27. Public Inquiries and Complaints
28. 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.
29. The Facility Owner and Operator shall make reasonable efforts to respond to the public’s inquiries and complaints.
30. Remedies
31. 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.

1. 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.