

# **TOWNSHIP OF WEST DEER**

## **ZONING ORDINANCE NO. 454**



**Adopted On  
September 18, 2024**

WEST DEER TOWNSHIP  
ALLEGHENY COUNTY, PENNSYLVANIA  
ZONING ORDINANCE

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# **ARTICLE I**

## **AUTHORITY AND GENERAL PROCEDURE**

### **§ 210-1 GRANT OF POWER**

Pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, and for the purpose of promoting health, safety, morals or the general welfare, the Board of Supervisors of West Deer Township are hereby empowered to regulate and restrict the height, number of stories, and size of Buildings and other Structures; their construction, Alteration, extension, repair, maintenance and all facilities and services in or about such Buildings and Structures and percentage of Lot that may be occupied, the size of Yards, courts and other Open Spaces; the Density of population; and the location and Use of Buildings, Structures, and land for trade, industry, residence or other purposes; and may also establish and maintain Building Lines and Setback Building Lines upon any or all Public roads or highways.

### **§ 210-2 SHORT TITLE**

This Ordinance shall be known and may be cited as the “Zoning Ordinance of West Deer Township.” The map herein referred to, which is identified as the “Official Zoning Districts Map,” as amended, and all the explanatory matter thereon are hereby adopted and made part of this Ordinance.

### **§ 210-3 CONDITIONS REQUIRING A PERMIT**

#### **A. Building Permit**

Any owner or authorized agent who intends to construct, enlarge, make a structural Alteration, move, or demolish a Building or Structure shall require a Building permit. Any new or change of type to a Mechanical System shall require a Building permit. Any work the UCC (Uniform Construction Code) requires to obtain a permit for shall also require a permit.

#### **B. Zoning Permit**

Any new Structure, including but not limited to a fence, prefabricated shed, swimming pool, small Accessory Structure or retaining wall shall require a Zoning Permit. See § 210-157 for specific details.

#### **C. Occupancy Permit**

Any change in Use, ownership or tenant shall require an Occupancy Permit. See § 210-158 for specific details.

#### **D. Failure to comply with any portion of § 210-3 will constitute a violation of the Zoning ordinance and be subject to the penalties stated within § 210-177.**



## **ARTICLE II**

### **PURPOSE**

#### **§ 210-4 PURPOSE AND OBJECTIVES**

The Board of Supervisors of West Deer Township, County of Allegheny, and Commonwealth of Pennsylvania, do ordain that:

- A. Such regulations shall be made in accordance with a Comprehensive Plan, and designed to lessen congestion on roads and highways; to secure safety from panic and other danger; to promote health and the general welfare to avoid undue congestion of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements. It is not the intent of this Ordinance to restrict, control or place hardship upon the continued agricultural Use of land within its area or jurisdiction and control.
- B. The specific objectives of this Ordinance are extracted from the West Deer Township Comprehensive Plan, as amended and updated in both the “West Deer Township Comprehensive Plan Update” and the “Indiana-West Deer Township Joint Comprehensive Plan”. They generally include the coordination of the diversified physical elements and the protection of the health, safety, morals and general welfare of the public. More particularly, the objectives guiding the Zoning Ordinance are as follows:
  - 1. Overall Development  
Create a healthy, economically and socially sound and attractive environment for the residents of West Deer Township; and further, to consider all governmental Structure options in development programs to meet specific goals and objectives.
  - 2. Environment  
To conserve and efficiently Use our natural resources directing economic activities and land Use development toward compatibility with the natural environment.
  - 3. Land Use  
To create a development pattern that will conserve the natural amenities and encourage a harmonious balance between various land Uses and residential Structures to produce an overall appealing atmosphere and maintain and enhance a distinctive community character.
  - 4. Economics  
To develop a diversified economic base to assure full and continuous employment and a range of Commercial and service activities sufficient to meet local demands.
  - 5. Housing  
To provide a variety of housing types to permit a range of choice for the residents regardless of their economic status or social characteristics.

6. Community Facilities

To offer a level of community facilities adequate in amount and type to meet existing population needs and prepare for future demand by programming and locating such facilities for maximum accessibility and efficiency of operation.

7. Transportation

To supply a circulation system that provides safe and convenient movement of people and goods, with the least possible infringement upon other values.

## **ARTICLE III**

### **ZONING ADMINISTRATION**

#### **§ 210-5            OUTLINE OF ADMINISTRATIVE ROLES AND DUTIES**

Administrative roles and duties of the Township Board of Supervisors, Planning Commission, Zoning Hearing Board and Zoning Officer shall be permitted in accordance with the Pennsylvania Municipalities Planning Code, as amended.

## **ARTICLE IV**

### **DEFINITIONS**

#### **§ 210-6 INTRODUCTION**

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular shall include the plural.
- C. The word “person” includes a corporation, or partnership, as well as an individual.
- D. The word “Lot” includes the words “plot” or “parcel.”
- E. The term “shall” is always mandatory.
- F. The term “may” is always permissive.
- G. The words “used” or “occupied” as applied to any land or Building shall be construed to include the words intended, arranged or designed to be used or occupied.
- H. The acronym “TWP” shall mean West Deer Township.
- I. When a word or phrase is not specifically defined in this chapter, or referenced in another chapter, then the common meaning of the word or phrase, or the definition contained in Webster's Dictionary, most current version, shall apply.

#### **§ 210-7 MEANING OF WORDS**

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated:

**ACADEMIC CLINICAL RESEARCH CENTER (ACRC)** – An accredited medical school within this Commonwealth that operates or partners with an acute care Hospital licensed within this Commonwealth.

**ACCESSORY STRUCTURE** - A Structure subordinate to the Principal Structure(s) on a Lot and used for purposes customarily incidental to those of the Principal Structure(s).

**ACCESSORY USE** - A Use on the same Lot with, and clearly incidental and subordinate to, the Principal Use on the Lot.

**ADULT-ORIENTED ESTABLISHMENT** - Any Establishment providing adult reading and/or viewing material and/or entertainment which depicts or describes sexual nudity or sexual activity, including: adult arcade; adult bookstore; adult video store; adult cabaret; adult motion picture theater; adult theater; escort agencies; body painting Studio(when Specified Anatomical Areas are exposed); tattoo and/or piercing parlor (where Specified Anatomical Areas are exposed); or massage Establishment (that does not qualify as a Massage Therapy Establishment)

**AGRICULTURE** - Any Use of land or Structure(s) for an enterprise that is actively engaged in the Commercial production of and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or USE of agricultural, agronomic, horticultural, Silvicultural and aquacultural crops and commodities. The term “Agriculture” includes any Use that implements changes in the production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers are consistent with technological development within the agricultural industry. “Agriculture,” as a land Use term, is distinguished from “Concentrated Animal Operation (CAO)” and “Concentrated Animal Feeding Operation (CAFO),” see definitions for each.

**AGRICULTURE EMPLOYEE HOUSING** - An accessory Dwelling related to an agricultural Use generally constructed as a separate Dwelling Unit which allows agricultural landowners and/or Developers to provide living arrangements for agricultural help and/or employees.

**AIRPORT** - A place specifically designed to allow aircraft to take off and land, usually equipped with paved runways, hangers, and facilities for refueling and repair.

**ALL OTHER NON-RESIDENTIAL USES** – Non-residential Uses not otherwise assigned to a Zoning District specified within this Ordinance.

**ALL OTHER RESIDENTIAL USES** – Residential Uses not otherwise assigned to a Zoning District specified within this Ordinance.

**ALTERATION** - Any change or rearrangement in the supporting members of an existing Building, such as bearing walls, columns, beam, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to the diminution of a Building or Structure, whether horizontally or vertically, or the moving of a Structure from one location to another.

**ANIMAL EQUIVALENT UNIT (AEU)** - 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individuals comprising the Unit. Animal weights shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

**ANIMAL, FARM** - Animals other than Household Pets that are commonly raised or kept in an agricultural environment including, but not limited to pigs, sheep, goats, horses, cattle, llamas, donkeys, mules, and other similar animals.

**ANIMAL, HOUSEHOLD PET** - A domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential Structure. Any member of the sheep, swine, poultry, bovine, or equine Family of quadrupeds, or reptiles having venomous or constrictor nature



does not constitute a Household Pet under any provisions of this Zoning Ordinance.

ANIMAL HUSBANDRY - The agricultural practice of breeding and raising Farm Animals.

APPLICANT - Any person (including any natural person, partnership, association, company, corporation or any entity of any kind or type), owner, Developer, operator, and/or their agents who has an interest in real estate in the Township and is seeking a permit or other right to develop, erect, alter, drill or produce Oil and Gas, or otherwise Use or occupy property or land located in the Township of West Deer.

AREA - See Gross Floor Area; Lot Area.

ASSEMBLY OR FABRICATION FACILITY - Any Structure or part thereof where Pre-Manufactures Parts (i.e., parts not manufactured on site) are assembled into a finished product for wholesale or retail sale, and where manufacturing of parts does not occur.

ATTACHED DWELLING - A Dwelling Unit, attached by common wall or walls to one or more other similar Dwelling Units, each independent of the other and each with at least two (2) direct access points to the outside. Common walls shall extend from the ground level to the roof without openings. Property lines would follow the centerline of the common walls. Side Yard Setbacks would not apply at common walls.

AUTOMOBILE REPAIR GARAGE - See Garage, Automobile Repair.

AUTOMOBILE SALES/SERVICE - An Establishment devoted to the sale of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats. Such Use may also include the servicing of the types of vehicles sold on the Lot.

AUTOMOBILE RENTAL - An Establishment providing temporary Use of automobiles, non-commercial trucks, motor homes, and/or recreational vehicles for a fee. Such Use may or may not include the storage of vehicles, vehicle washing, and/or gassing facilities, but excludes vehicle repair work.

AUTO SALES (NEW) - Retail sales of new automobiles or light load vehicles, including, as a minor part of the Business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

AUTO SALES (USED) - Retail sales, or offering for sale, used automobiles or light load vehicles.

AUTO STORAGE OR AUTO AUCTION - The storage or Impoundment, on a Lot or tract which is paved in accordance with parking Lot paving requirements set forth in this ordinance, of

operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see “Salvage Yard”).

BANK - See Financial Institution.

BAKERY - An Establishment where breads, cakes, pastries, and the like are produced and/or sold.

BASE GROSS DENSITY - See Density, Base Gross.

BED AND BREAKFAST - A Commercial Establishment that occupies a single-family Dwelling and associated Accessory Structures where limited overnight lodging and breakfast is provided for compensation to guests and where said Use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The Dwelling may or may not include a publicly accessible restaurant as a related Use. Overnight lodging occurs within individual sleeping rooms, each of which is accessible from the interior of the Principal Structure and/or existing Accessory Structure (constructed prior to the date of this Ordinance) and which each does not contain cooking facilities. New construction, Alteration, or reconstruction of any Structure shall also be governed by the Uniform Construction Code (UCC). The owner of said Use shall be a permanent resident on the site.

BEEKEEPING - The maintenance of honeybee colonies, typically in the form of hives.

BILLBOARD – Any Sign, as defined herein, which advertises an Establishment, person, activity, product or service which is unrelated to or not available on the premises where the Sign is located.

BIRDS OF PREY - Also known as raptors, refer to several species of predatory birds (i.e. birds that hunt and feed on other animals).

BOARDING HOUSE - A Dwelling in which, for a fee or other consideration, the resident owner lives and provides sleeping accommodations with board for at least three (3) but not more than ten (10) persons in the Dwelling, exclusive of the resident owner and members of the resident owner’s Family with or without individual cooking facilities. A Boarding House shall not be considered the same as a Short Term Rental.

BOARD OF SUPERVISORS - The Board of Supervisors of West Deer Township, Allegheny County, Pennsylvania.

BOWLING ALLEY – See Recreation Facility.

**BUILDING** - A Structure that is enclosed, and portions of which are protected from the weather and are usually climate controlled (heated and/or air conditioned), and that is usable for habitation or as a working environment.

**BUILDING CODE OFFICIAL (BCO)** - The officer or other designated authority charged with the administration and enforcement of the adopted Building code.

**BUILDING HEIGHT** - the vertical distance measured between the average of the highest and the lowest elevations at finished grade of the Structure and, if a flat-roofed Building, the top of the roof or a parapet wall; or, if a sloped roofed Building, the average between the gutter and ridge lines of the highest roof element on the Building.

**BUILDING LINE** - A line parallel to the front, side or rear Lot line set so as to provide the required Yard (Setback).

**BUSINESS** - An Establishment, licensed to operate as such by the granting local and/or Commonwealth agencies.

**BUSINESS SERVICES** - An Establishment that provides services primarily to Business typically on a fee or contract basis, such as advertising and public relations, management and consulting services, security and maintenance services, equipment rental/leasing, document reproduction-related services, computer and data processing services, cell phone sales, and computer sales.

**BUSINESS TECHNOLOGY PARK (BTP)** - An area that allows for a mix of Business, Commercial space, and Warehouses in the Industrial Zoning district. It also allows more flexible site design and Setback requirements. The BTP can be utilized as either an overlay or a Conditional Use in the Industrial Zoning district.

**CALIPER** - A universal measurement of a trees trunk at 12" above ground.

**CAMPGROUND** - A nonresidential Use of a parcel of land for temporary overnight Use by tents and/or recreational vehicles for which a fee may or may not be charged.

**CARGO CONTAINER** - A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**CARTWAY** - That portion of a street or alley which is improved, designated, intended, used or capable of being used for vehicular travel.

CAR WASH - An area of land and/or Structure with machine and/or hand-operated facilities used principally for the interior and/or exterior cleaning, washing, polishing, or waxing of motor vehicles, and where no vehicle repairs or sales of petroleum fuel or lubricants are performed. A Car Wash may or may not include Accessory Uses such as auto detailing.

CEMETERY - Land that is reserved for the burying of the deceased and that may contain mausolea and columbaria, but may not contain crematoria.

CINEMA - A Structure devoted to the indoor display of motion pictures, but excluding an adult-oriented Business.

CLINIC - See Medical Clinic.

COLLECTOR STREET - A Public street or road which, in addition to providing access to abutting Lots, intercepts Local Streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

COMMISSION, PLANNING - The legally appointed Planning Commission of the Township of West Deer, Allegheny County, Pennsylvania.

COMMERCIAL - Engaging in a Business, enterprise, activity or other undertaking ordinarily or actually for profit.

COMMON OPEN SPACE - Land or the area of a Lot (s) which is held by one entity or multiple entities for the benefit of the general Use of recreation, resource protection, amenity and/or buffers, not including any area of a residential Lot, any part of an existing or future street right-of-way. The calculations of the total common space area shall not include easements and stormwater detention facilities which are located within the Common Open Space.

COMMUNICATIONS ANTENNA - An instrument intended for Use in the wireless transmission or in the gathering of data, or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic, cellular, or any other type of communicative transmission, which is to be affixed to a Building or Structure, including the equipment necessary for its Use, but not including Structures for signal reception only.

COMMUNICATIONS TOWER - A Structure, typically a steel pole/lattice work or tower, whose Principal Use is to be utilized for communication purposes associated with service, radio, and/or television broadcast.

COMMUNITY-ORIENTED GARDENS (COGS) - A Lot comprised of one or more tax parcels that is used by a group of individuals in the community to grow and harvest food primarily for personal or group Use or donation. Community gardening may be divided into plots for cultivation by one or more individuals and/or groups, or it may be cultivated by individuals and/or groups collectively.

COMPREHENSIVE PLAN - The comprehensive, long-range plan document for the desirable Use of land in West Deer Township; the purposes of such Plan being, among other things, to serve as a guide for the Zoning and progressive rezoning of land to meet changing community needs, in the subdividing and Use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools and other Public Buildings.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) - An agricultural operation where certain large quantities of livestock or poultry are housed inside Buildings or in confined feedlots classified as an operation with more than 1,000 AEUs or a CAO with more than 300 AEUs.]

CONCENTRATED ANIMAL OPERATION (CAO) - A livestock or poultry farming operation that has more than 8 total Animal Equivalent Units (AEUs) and exceeds 2,000 pounds of live animal weight per acre suitable for manure application.

CONDITIONAL USE - An authorized Use which may be granted only by the Board of Supervisors pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendation by the Township Planning Commission and Public Hearing by the Board of Supervisors pursuant to Public Notice.

CONFERENCE AND TRAINING CENTER - An Establishment used for corporate or professional meetings, seminars and/or employee training, that may include dining and lodging facilities and related recreational facilities as Accessory Uses.

CONSISTENCY - An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship.

CONTRACTOR'S YARD - An area of land used by a contractor or builder where equipment and materials are stored, where a contractor fabricates or assembles components to be used at different job sites, or where construction equipment is serviced but excluding a construction site or any Establishment otherwise defined or classified herein.

CONVENTIONAL DEVELOPMENT - The division or re-division in the traditional curvilinear or rectilinear pattern of a Lot, tract or parcel of land by any means into two (2) or more Lots, tracts parcels or other divisions of land including changes in existing Lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or Building or Lot development.



CONVENTIONAL GAS WELL - See Shallow Well.

COUNTRY CLUB/GOLF COURSE - An Establishment that has as its Principal Use facilities for playing golf and that may include one or more of the following Accessory Uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, or facilities for racquet sports.

CONVENIENCE STORE, NEIGHBORHOOD - An Establishment offering for sale food products, household items, and other goods commonly associated with the same and generally having a Gross Floor Area of less than ten thousand (10,000) square feet.

CONVENIENCE STORE WITH GASOLINE - An Establishment offering for sale gasoline, food products, household items, and other goods commonly associated with the same and generally having a Gross Floor Area of less than ten thousand (10,000) square feet.

CREMATORIUM - A building fitted with the proper equipment for the purposes of the cremation of human remains and includes all facilities and appliances incidental or ancillary thereto.

DAY CARE CENTER - An Establishment, licensed as such by the Commonwealth of Pennsylvania, located within a Building that is not used as a Dwelling Unit for the care during part of a twenty-four (24) hour day of children and/or adults.

DAY CARE HOME - An Establishment, licensed as such by the Commonwealth of Pennsylvania, located within a Dwelling, for the care on a regular basis during part of a twenty-four (24) hour day of not more than six (6) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider. Such Use shall be secondary to the Use of the Dwelling for living purposes and persons who do not reside in the Dwelling shall not be employed.

DECKS - An outdoor, uncovered unenclosed Structure used as a walking or living surface with a minimum height above grade of 10 inches which may incorporate a railing.

DEEP WELL - An unconventional well, or any pierced or bored hole drilled or being drilled into or below the Marcellus Shale rock formation for the purpose of, or to be used for, producing, extracting Gas, oil, petroleum or another liquid related to oil or gas production.

DEEP WELL SITE - The areas occupied by the facilities, Structures, materials and equipment, excluding those areas that are temporary in nature, necessary for or incidental to the preparation, construction, Drilling, fracturing, production or operation of a Deep Well. This definition also includes any exploratory wells for deep well sites but excludes Well Pad access roads. If multiple areas are used, then the total combined areas shall be considered the Deep Well Site area.

DENSITY - The number of Dwelling Units in a Lot, or group of Lots, divided by the area in acres of the Lot, or group of Lots, computed exclusive of any portion of the right-of-way of any Public road.

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania.

DERRICK- Any portable framework, tower mast and/or Structure which is required or used in connection with Drilling or re-working a well for the production of oil or Gas.

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a Land Development.

DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense Medical Marijuana.

DOH - The Department of Health (Commonwealth of PA).

DRILLING - The digging or boring of a well for the purpose of exploring for, developing or producing oil and/or Gas or other hydrocarbons.

DRIVE-THRU - Any part of a Building or Structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact Business, receive a service or obtain a product in a motor vehicle on the premises.

DRIVING RANGE - An Establishment operated for the purposes of developing golfing techniques, including miniature golf courses, but excluding golf courses and Par 3 courses.

DWELLING - Any Building designed or used as permanent living quarters, but not including Hotels, Motels, boardinghouses, or Short Term Rentals.

1. SINGLE-FAMILY DETACHED DWELLING – A Permanent Dwelling, not attached to any other Dwelling, designed for, or occupied by, only one (1) Family or household Unit.
2. SINGLE-FAMILY SEMI-DETACHED DWELLING - A Permanent Dwelling designed for, or occupied by, only one (1) Family or household Unit in which one of its exterior walls is shared at the Lot line with a dwelling located on a separate Lot.

3. DUPLEX - A Structure containing two Dwelling Units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior walls to exterior wall, except for a common stairwell exterior to both Dwelling Units. Owner-fee-simple, zero Lot line; or condominium ownerships are permitted.
4. QUADPLEX - A single Structure designed for or occupied exclusively as residences, where the structure is divided by two (2) common party walls into four (4) distinct Dwelling Units where each Dwelling Unit has direct access to the outdoors.
5. TOWNHOUSE - A Structure consisting of a series of at least three (3), but not more than eight (8), Dwelling Units attached to each other by continuous vertical walls without opening from basement to roof, with each Dwelling Unit having separate access to the outdoors and not shared with the access of other Dwelling Units.
6. APARTMENT - A multiple-family dwelling comprised of three (3) or more Dwelling Units, each with its own cooking, food storage, bathing and toilet facilities, and with access directly or by a common shared entrance to the outside.

DWELLING UNIT - A single room or a group of connected rooms, with its own private bathing, toilet, cooking and food storage facilities, in a Building for the exclusive Use of one (1) Family.

EFFECTIVE DATE - The date on which this Ordinance is duly adopted by the Township or as specified in the Ordinance so adopted.

ERECTED - Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the Building. Excavation, fill, drainage and the like shall be considered part of the erection.

ESSENTIAL SERVICE INFRASTRUCTURE - The erection, construction, Alteration, or maintenance of underground or overhead Gas, electrical, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street Signs, cable television, or other telecommunications transmission lines provided by Public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including any Structures identified as an essential service facility.

ESSENTIAL SERVICE FACILITY - The erection, construction, ALTERATION, operation or maintenance of Buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar Public service Structures by a Utility,

whether publicly or privately owned, or by a municipal or other government agency, including the furnishing of electrical, Gas, communication, water supply, and sewage disposal services.

**ESTABLISHMENT** - Any organization, including a Business, whether private, Public, governmental, social, or otherwise, together with its owners, directors, employees, members, merchandise, inventory, and equipment, founded and united for a specific purpose.

**FAA** - The Federal Aviation Administration (FAA) is the agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation within the United States.

**FAMILY** - A single person occupying a Dwelling or Dwelling Unit and maintaining a household; two (2) or more persons related by blood or marriage or adoption occupying a Dwelling Unit and maintaining a household; not more than three (3) unrelated persons occupying a Dwelling or Dwelling Unit, living together, and maintaining a common household. The term shall not include any tenant or person(s) paying any rent, fee, or rate for Use of a Dwelling or portion thereof as a Short Term Rental for a period of less than 30 days. This definition is not intended to nor shall be interpreted to conflict with the Fair Housing Act, as amended.

**FINANCIAL INSTITUTION** - An Establishment in which money is kept for saving or Commercial purposes, invested, supplied for loans or exchanged.

**FLEX SPACE** - A Structure that can be subdivided for Use by multiple tenants primarily for light industrial, warehousing, and associated office/administrative space.

**FLOODPLAIN** - A normally dry land area adjacent to stream channels that is susceptible to being inundated by overbank stream flows. For regulatory purposes, the Pennsylvania Floodplain Management Act (Act of October 4, 1978, P.L. 851, No. 166) and regulation pursuant to the act define the Floodplain as the area inundated by the 100-year flood and delineated on a map by FEMA (Federal Emergency Management Agency) or by the Applicant in accordance with municipal ordinance requirements.

**FOOD PACKAGING FACILITY** - A Structure or group of Structures used for the storage, assembly, packaging, and distribution of prepared food related products, and not including any food preparation.

**FOOD PREPARATION BUSINESS** - A Business, including a catering Business, that prepares food for consumption off-premises, has no on-site seating, and is not open to the public for dining.

**FORESTRY** - The management of forests and timberlands when practiced in accordance with accepted Silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for Commercial purposes, and which does not involve any Land Development.

FUEL FIRED APPLIANCE - Any apparatus or equipment that utilizes Gas as a fuel or raw materials to produce light, heat, power, refrigeration or air conditioning.

FUNERAL HOME - A Structure used for the embalming of the deceased for burial, but not including cremation, and for the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, AUTOMOBILE REPAIR - An Establishment that services motor vehicles with all types of repair work including engine and transmission repairs, body work, painting, and similar activities, but excluding heavy equipment repair.

GARAGE, PRIVATE - An Accessory Structure for the storage of motor vehicles, recreational vehicle or boats owned and used by the owner or tenant of the Lot for a purpose accessory to the Use of the Lot, and for not more than one (1) additional motor vehicle owned and used by others.

GARAGE, PUBLIC - A private or municipal owned Structure where motor vehicles can be temporarily stored or parked typically for the payment of a fee.

GARDEN CENTER/NURSERY - Structure(s), and lands associated therewith, for the growing and sale of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation together with gardening tools and implements which are sold at retail from such Building or Lot to the general public.

GAS - Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

GAS STATION - See Convenience Store with Gasoline.

GAS WELL - Any well drilled, to be drilled, or used for the intended or actual production of Gas.

GENERAL CONSISTENCY; GENERALLY CONSISTENT - That which exhibits Consistency.

GLARE - A visual sensation caused by excessive and uncontrolled brightness.

GROSS FLOOR AREA (GFA) - The total area of a Building measured by taking the outside dimensions of the Building at each floor level.



GROUP CARE HOME - A facility which houses unrelated residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (intellectual disability, autism, cerebral palsy, epilepsy or other similar conditions). Licensing for such Use shall be in accordance with the Pennsylvania Department of Human Services requirements.

GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process Medical Marijuana.

HALFWAY HOUSE - A licensed facility which houses inmates on release for more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, where supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Staffed with an on-site resident manager, a Halfway House also includes a Dwelling Unit occupied on a transient or short-term basis by persons assigned by a court of law, or referred by a Public, semi-public, profit or nonprofit entity, and managed by or on behalf of a Public, semi-public, profit or nonprofit entity responsible for the occupants' care, safety, conduct, counseling and supervision, where the residents reside there for purposes of transitional alcohol, drug or substance abuse recovery, shelter for battered persons and their children, maternity homes, community re-entry services following incarceration, prison assignment, house arrest or other court-ordered treatment, the housing of persons accepted for residence on the basis of their status as juvenile offenders or delinquents, and other similar short-term supervised assignments. The manager of said Halfway House shall be a permanent resident on the site.

HEARING - The word "Hearing" shall mean Public Hearing as defined in Section § 210-107.

HELIPORT - A facility or Structure that is intended or used for the landing and take-off of rotary-wing aircraft, including regular repair, fueling, or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

HELISTOP - A facility or Structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

HOME BASED BUSINESS, LOW IMPACT – A Business administered or conducted as an Accessory Use clearly secondary to the Use as a residential Dwelling. The Business must satisfy the following requirements:

- (A) The Business shall be compatible with the residential Use of the Lot and surrounding residential Uses.
- (B) There shall not be more than 2 customers, clients, or patients at any given time on the premise.
- (C) All customer parking shall be contained on Business owner's property.

- (D) All signage must comply with the Sign provisions for residential districts contained within the Zoning Ordinance.
- (E) The Business shall not involve hazardous materials or processes, or create offensive or objectionable noise, vibration, odors, heat, dirt, or electrical disturbance perceptible by the average person beyond the Lot line or party walls of a multi-unit Building.
- (F) All storage, service, repair, handling or transport of goods or equipment must be in an enclosed Structure that is compatible with the surrounding Structures.
- (G) The Business may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential Use in the neighborhood.
- (H) All equipment and work vehicles must be screened with appropriate Screening.
- (I) The Business portion of the land shall not exceed 49% of the total area of the Lot.
- (J) Hours of operations shall be limited to 8am-7pm.
- (K) The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include, but are not limited to, increased Setbacks.

HOME BASED BUSINESS, NO IMPACT - A Business administered or conducted as an Accessory Use clearly secondary to the USE as a residential Dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential Use. The Business must satisfy the following requirements:

- (A) The Business shall be compatible with the residential Use of the Lot and surrounding residential Uses.
- (B) The Business shall employ no employees other than Family members residing in the Dwelling.
- (C) There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- (D) There shall be no outside appearance of a Business Use, including, but not limited to, parking, Signs, or lights.
- (E) The Business 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.
- (F) The Business may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential USE in the neighborhood.
- (G) The Business shall be conducted only within the Dwelling and may not occupy more than 25% of the habitable floor area.

HOME BASED BUSINESS, OTHER - A Business carried on entirely within a Building whose Principal Use is a single-family Dwelling that does not meet the requirements of a no-impact or low impact home-based Business.

HOMEOWNERS' ASSOCIATION (HOA) - A homeowner's association (HOA) is an organization in a subdivision, planned community, or condominium Building that makes and enforces rules for the properties and its residents. Those who purchase property within an HOA's jurisdiction automatically become members and are required to pay dues, known as HOA fees.

HOSPITAL - An Establishment (including sanitariums) for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not include facilities for major surgery, and which may be publicly or privately operated.

HOTEL/MOTEL - An Establishment which provides transient lodging accommodations to the general public in sleeping Units, each Unit of which has independent access. Such Establishment may provide such additional supporting services as restaurants, meeting rooms, recreation facilities, and living quarters for a resident manager or proprietor.

HOUSEHOLD PET - A domesticated animal that is normally or can generally be kept within the immediate living quarters of a residential Structure. Any member of the sheep, swine, poultry, bovine, or equine Family of quadrupeds, or reptiles having venomous or constrictor nature does not constitute a Household Pet under any provisions of this Chapter.

IMPOUNDMENT - A lined pit or reservoir that holds large volumes of fluid.

INDUSTRIAL HOME - Are factory-built houses engineered and constructed to the strict specifications of the International Residential Code (IRC).

INFILL DIMENSIONAL STANDARDS – A type of redevelopment, typically vacant Lots, that allows the development of an existing Lot to a set of existing standards or characteristics of the existing neighborhood that allows the development of the Lot to be possible where typical Zoning requirements would not allow development to be feasible.

INITIAL NET DENSITY - See Density, Initial Net.

INJECTION WELL - Those wells and activities used to place fluids and/or gases underground into porous geologic formations for permanent storage. These underground formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids and/or gases may include carbon dioxide, fresh water, waste water, brine (saltwater), or water mixed with chemicals. Injection wells include all EPA classes of injection wells.

**JUNKYARD** - The Use of more than two hundred (200) square feet of any area, whether inside or outside a Structure, or the Use of any Lot that joins the street for storage, keeping or abandonment of junk including scrap metals, or for the dismantling, demolition, or abandonment of automobiles or other vehicles, machinery or parts thereof, where such activity is associated with Commercial and/or Business purposes.

**KEEPING OF DUCKS AND CHICKENS, PERSONAL** - Maintaining ducks or chickens solely for personal Use of the residents of the Lot, and not involving any profit-making activity such as slaughtering or selling eggs.

**KEEPING OF HORSES, PERSONAL** - Maintaining horses and/or ponies solely for personal Use of the residents of the Lot, and not involving any profit-making activity such as boarding, riding instruction, or training of horses owned by persons other than residents of the Lot.

**KEEPING OF HORSES, BOARDING** - Maintaining horses and/or ponies for profit for Use in boarding, riding instruction and/or training of horses owned by persons of the Lot and/or other than residents of the Lot.

**KENNEL, ANIMAL** - Any Establishment where more than four (4) dogs or more than six (6) cats who are more than six (6) months old are kept, bred, trained, groomed, boarded, and/or administered Veterinary Services.

**LAND DEVELOPMENT** - Any of the following activities:

- (A) The improvement of one Lot or two or more contiguous Lots, tracts or parcels of land for any purpose involving:
  - (i) a group of two or more residential or nonresidential Buildings, whether proposed initially or cumulatively, or a single nonresidential Building on a Lot or Lots regardless of the number of occupants or tenure; or
  - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, Building groups or other features.
- (B) A subdivision of land.
- (C) Excluding development in accordance with PA Municipalities Planning Code Section 503(1.1).

**LIBRARY** - A Structure containing printed and pictorial material for public Use for purposes of study, reference, and recreation. May also provide access to the internet.

**LIFE CARE FACILITY/SENIOR LIVING COMMUNITY** - A health care facility for the transitional residency of senior and/or disabled persons, providing for a progression of residential living types such as from independent living in single-family Units to assisted and/or congregate living and culminating in a full health and continuing care nursing home facility where any portion

of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities of daily living. A Life Care Facility/Senior Living Community may include a licensed adult day-care program; such facility shall comply with all applicable federal, state and local laws, ordinances and regulations relating to housing for the elderly.

**LIMITED ACCESS HIGHWAY** - A divided arterial highway designed for large volumes and high-speed traffic with access limited to grade-separated intersections.

**LOADING UNIT (SPACE)** - The area required to accommodate one (1) cargo/delivery truck or similar equivalent vehicle, exclusive of access and turning area.

**LOCAL STREET** - A Public street or road designed to provide access to abutting Lots and to discourage through traffic.

**LOT** - A tract or parcel of land held in single or separate ownership, that is described by reference to a recorded plan or by metes or bounds, and is intended as a Unit for transfer of ownership, Use, improvement, dedication or for development exclusive of Public or private road right-of-way.

**LOT, AREA** - The horizontal surface area within the Lot lines of a Lot exclusive of Public or private road Right-of-Way.

**LOT COVERAGE** - That percentage of the Lot covered by principal and Accessory Structures and/or Buildings.

**LOT DEPTH** - The horizontal distance between the midpoint of the front Lot line and the midpoint of the rear Lot line.

**LOT WIDTH** - The horizontal distance of the Building Lines as measured across the Lot between the side Lot lines. In the case of a curved Building Line, the arc distance along the Building Line shall be used.

**MANUFACTURED HOME** - Modular homes that are factory-built houses engineered and constructed to the strict specifications of the U.S. Department of Housing and Urban Development's federal Building code after 1976.

**MANUFACTURING, HEAVY** - The Use of lands or Structures for the purpose of creating, assembling, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing, or adopting for sale of any goods, substance, article, thing or service.

**MANUFACTURING, LIGHT** - The processing and fabrication of certain materials and products where no process involved will produce noises, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring Lots. Light manufacturing includes the production of the following goods: Home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, film processing, light sheet metal products, plastic goods, pharmaceutical goods, beverage goods and food products; but excludes animal slaughtering, curing or rendering of fats.

**MASSAGE THERAPY ESTABLISHMENT** - Any Establishment or part thereof where massage services are provided: by a person having graduated from a massage therapy training program approved by the authorizing board within the Commonwealth of Pennsylvania or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or by a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA).

**MECHANICAL SYSTEM** - A system that is used to power, ventilate or exhaust a Fuel Fired Appliance.

**MEDIATION** - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MEDICAL CLINIC** - A Structure where two (2) or more licensed medical professionals provide diagnostic health, medical, surgical, and/or psychiatric services to the general public without overnight accommodation. Such Uses may include reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a Dispensary, providing that all such Uses have access only from the interior of the Structure.

**MEDICAL MARIJUANA** - Marijuana for certified medical Use as legally permitted by the Commonwealth of Pennsylvania in accordance with Act 16 of 2016 and the most current regulations regarding marijuana.

**MEDICAL MARIJUANA DISPENSARY** - A location (whether Business or non-profit) where patients or consumers can access marijuana/cannabis in a legal and safe manner.

**MEDICAL MARIJUANA GROWER/PROCESSOR** - A facility that grows and processes Medical Marijuana for wholesale to other Medical Marijuana facilities.

MEDICAL MARIJUANA ORGANIZATION or FACILITY - A Dispensary, or Grower/Processor of marijuana for medical purposes

MEDICAL MARIJUANA TRANSPORT VEHICLE OFFICE - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana Grower/Processors and/or dispensaries.

MICROBREWERY - A Building or Structure where the brewing and production of beer and related products occurs on site in accordance with the Pennsylvania Liquor Control Board. The term "Microbrewery" may or may not include a restaurant or area for consumption of such beverages.

MILITARY RELATED FACILITY - A Public or private Lot and/or Structure(s) approved by the United States Department of Defense and used for the training of military personnel, maintenance, development and manufacturing of military vehicles and equipment, and/or administrative purposes. Excludes all paramilitary facilities and Uses.

MIXED-USE APARTMENT BUILDING - A Building containing a combination of complementary and integrated residential and non-residential Uses, in which Apartments make up the majority of the Building's total floor area.

MOBILE HOME - A transportable, single-family Dwelling intended for permanent occupancy, contained in one (1) Unit, or in two (2) or more Units designed to be joined into one (1) integral Unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile Homes shall only be placed in Mobile Home Parks.

MOBILE/MANUFACTURED HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of Manufactured Homes for non-transient Use, consisting of two (2) or more Manufactured Home Lots.

MOTEL - A Commercial Establishment consisting of a Building or group of Buildings, whether detached or in connected Units, used as individual sleeping Units with separate exterior entrances, open year-round and designed for temporary occupancy, primarily for transient automobile travelers. Structures shall provide for accessory off-street Parking Areas. Supervision is provided in shifts by twenty-four (24) hour on-site management.

MUNICIPAL ADMINISTRATION FACILITY - Any individual or group of Structures or Lots utilized for municipally owned and/or operated service facilities for the benefit of the health and welfare of the citizens of West Deer Township and the public at large.

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from a Gas Well or collection of such wells operating as a midstream facility for delivery of Gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated Buildings, pipes, valves, tanks and other equipment.

NATURAL GAS DEHYDRATION FACILITY - A facility designed and constructed to remove water from natural gas and natural gas liquids.

NATURAL GAS PROCESSING PLANT - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to Commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas. Interconnects shall not be considered natural gas processing plants.

NON-CONFORMING LOT - A Lot with the area or dimension which was lawful prior to the adoption or amendment of the West Deer Township Zoning Ordinance, as amended, but which fails to conform to the current requirements of the Zoning district in which it is located by reasons of such adoption or amendment.

NON-CONFORMING STRUCTURE - A Structure or part of a Structure not designed to comply with the applicable Use provisions of the West Deer Township Zoning Ordinance or amendments thereto, where such Structure lawfully existed prior to the application of that Ordinance or amendments. Such Non-Conforming Structures include, but are not limited to, non-conforming Signs.

NON-CONFORMING USE - A Structure or part of a Structure that was lawfully in existence prior to the adoption or amendment of the West Deer Township Zoning Ordinance, as amended, but which fails to conform to the current Use requirements of the Zoning district in which it is located by reasons of such adoption or amendment.

NURSING/CONVALESCENT CARE FACILITY - A not-for-profit or Commercial Establishment, licensed as such by the Commonwealth of Pennsylvania, engaged in providing (twenty-four) 24 hour per day inpatient nursing and health-related personal care, utilizing in whole or part licensed and/or registered nurses; but excluding HOSPITAL services and excluding day-to-day personal care that is not health care by licensed or registered nurses.

OCCUPANCY PERMIT - A statement signed by the Zoning Officer setting forth either that a Building or Structure complies with this Ordinance or that a Building, Structure or parcel of land may lawfully be employed for specified Uses or both.



OFFICE, BUSINESS - A Structure where one (1) or more persons are employed in the management, direction, or conducting of Business and whose staffs/employees serve clients who seek advice and consultation regarding Business. A Business office may include the administrative, corporate, or Professional Offices for profit, non-profit, or charitable organizations.

OFFICE, MEDICAL - A Structure where one (1) or more licensed medical professionals provide diagnosis and treatment to the general public without surgical procedures, overnight accommodation, or Pharmacy. Includes such Uses as reception areas, offices, consultation rooms, and x-ray, providing that all such Uses have access only from the interior of the Structure.

OFFICE, PROFESSIONAL - A Structure where recognized professional(s) such as doctors, lawyers, architects, engineers, real estate brokers, insurance agents, and others who, through training, are qualified to perform services of a professional nature; and other offices used primarily for accounting, corresponding, research, editing, or other administrative functions, but not including banks or other Financial Institutions.

OIL AND GAS - Crude oil, fossil fuels, natural gas, methane gas, coal bed methane gas, propane, pentone, carbon dioxide, butane, hydrocarbon gases, oxygen, nitrogen, hydrogen sulfide and other Gas species, including all natural gas liquids, and/or any other constituents or similar substances that are produced by Drilling an Oil or Gas Well of any depth into, through and/or below the surface of the earth.

OIL AND GAS DEVELOPMENT - The well site preparation, construction, Drilling, redrilling, hydraulic fracturing, non-hydraulic fracturing (including stimulation by explosives), and/or site restoration associated with an Oil or Gas Well of any depth; The definition does not include Natural Gas Compressor Stations or Natural Gas Processing Plants.

OIL AND GAS SERVICE INFRASTRUCTURE – Interconnects, natural gas dehydration facilities and similar facilities not otherwise defined or regulated herein which are required for transportation of oil and gas from wells to transmission lines. Interconnects and natural gas dehydration facilities shall be located not less than seven hundred fifty (750) feet from an existing Principal Structure.

OIL OR GAS WELL - Any reference to an Oil or Gas Well shall mean, either individually or together, a Deep Well, Shallow Well or any exploratory well of any kind or type.

OPEN SPACE - Public or private land used for recreation, resource protection, amenity and/or buffers, not including any area of a Lot, any part of an existing or future street right-of-way, easement of access or areas set aside for Public or private utilities, stormwater facilities and easements.

OSHA - Occupational Safety and Health Administration, an agency of the US government under the Department of Labor with the responsibility of ensuring safety at work and a healthful work environment.

PARKING AREA - An area utilized to meet the parking requirements of this Ordinance, including the parking aisles that provide access to the Parking Spaces, but excluding any streets or driveways that provide access to the parking Lot.

PARKING GARAGE - See Garage, Public.

PARKING SPACE - The area required for parking one (1) automobile, ten feet (10') by eighteen feet (18') excluding access or turning area.

PATIO - An area consisting of natural or man-made material which is constructed at or near grade level and intended for Use as an outdoor living area.

PERMANENT DWELLING - A Structure used exclusively as a residence and designed to permanently occupy a fixed location, as contrasted to a Mobile Home. Under this Zoning Ordinance, a Dwelling shall be classified as either a Permanent Dwelling or a Mobile Home, depending on the intention of its designers at the time it is first constructed, manufactured or built.

PERSON IN CHARGE (PIC) - This person is knowledgeable about food safety and has a variety of required duties. The duties can be found in the most current FDA Food Code (§2-103.11).

PERSONAL CARE HOME - (i) A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. (ii) The term includes a premise that has held or presently holds itself out as a Personal Care Home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

PERSONAL SERVICES - An Establishment providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors, tattoo parlors, body piercing parlors and/or other related activities.

PET - See Household Pet.

PHARMACY - An Establishment that dispenses drugs by prescription. The term Pharmacy may also include the provision of a limited selection of housewares and foodstuffs.

PLACE OF ASSEMBLY - A Structure or area of land that is designed for the assembly or collection of persons, for civic, political, religious, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities.

PLACE OF WORSHIP - A Structure or area of land where people regularly observe, practice, or participate in religious or spiritual services, meetings, and/or activities.

PLANNED BUSINESS AND TECHNOLOGY PARK - A property or group of contiguous properties planned and developed as a unified whole to provide Lots for a variety of Businesses and industrial Uses, including some of the following Uses: assembly of products completely within an enclosed Building, Open Space, including parks and similar noncommercial recreational Uses; and Businesses, professional, Commercial offices, such as, data storage, telecommunications facilities, corporate Financial Institutions, daycare facilities, engineering facilities, Airports and aviation related facilities, and research laboratories, including biotechnical Uses.

PLANNED NON-RESIDENTIAL DEVELOPMENT (PNRD) - An area of land, controlled by a landowner, to be developed as a single entity to provide for a variety of Commercial and office Uses, including retail, consumer services, restaurants, and to promote a traditional walkable setting with provisions for enhanced pedestrian safety/circulation and landscaping.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - An area of land, controlled by a landowner, to be developed as a single entity for a number of Dwelling Units, or combination of residential and nonresidential Uses, the development plan for which does not correspond in Lot size, bulk, type of Dwelling, or Use, Density, or intensity, Lot Coverage and required Open Space to the regulations established in any one district created, from time to time, under the provisions of the West Deer Township municipal Zoning Ordinance.

PLANNING COMMISSION [OR COMMISSION] - The Planning Commission of West Deer Township, Allegheny County, Pennsylvania.

POND - A body of water either formed naturally or man made by hollowing/embanking land to hold water.

PORCH - A roofed Structure attached to, and forming part of the main Building adjacent to a door providing direct access to the Building. Porches can be screened but cannot have solid or glass walls. Porches cannot be winterized or plumbed for water supply or sewage. Front Porches may encroach up to 10 feet into the Front yard setback.

POST OFFICE - An Establishment owned and maintained or leased by the United State Postal Service for the purpose of distributing mail to the public.

**PRE-MANUFACTURED PARTS** - Goods or wares made off-premises and brought to a subject Lot or development for further assembly or Use.

**PRINCIPAL STRUCTURE** - A Structure containing the Principal Use on a Lot. Where there are (1) multiple Dwellings on a residential Lot or (2) multiple Structures on a non-residential Lot which contain the Principal Use then all such Structures shall be considered Principal Structures. Barns, sheds, garages and other Accessory Structures shall not be considered Principal Structures.

**PRINCIPAL USE** - See Use, Principal.

**PRINTER/PUBLISHER** - An Establishment that provides duplicating services using photocopy, blueprint, and/or offset printing equipment including collating of booklets and reports, and/or prints computer-generated goods on paper or plastic.

**PRIVATE CLUB** - An organization of persons who are identified as members, whether paying or not, which generally meet on a scheduled basis for the purposes of conducting club activities and where such organization and activities do not meet the criteria of a Social Club. The affairs and management of such club are conducted in accord with bylaws overseen by a board of directors, executive committee or similar body chosen by members at an annual meeting. No Commercial activities can be conducted and there can be no overnight accommodations.

**PRIVATE GARAGE** - See Garage, Private.

**PROFESSIONAL OFFICE** - Any office or Business conducted by an individual or association including attorneys, architects, chiropractors, engineers, medical doctors and dentists who are licensed under the laws of the Commonwealth of Pennsylvania, but not to include Personal Services such as barber shops or beauty shops.

**PUBLIC** - Public includes any municipally- state- and/or federally-owned and/or operated Use.

**PUBLIC GARAGE** – See Garage, Public.

**PUBLIC GROUNDS** - Include (1) Parks, playgrounds and other public areas; (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PUBLIC HEARING** - A formal meeting held pursuant to Public Notice by the governing body or planning agency intended to inform and obtain public comment, prior to taking action in accordance with this act.

**PUBLIC MEETING** - A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

**PUBLIC NOTICE** - A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the Hearing and the particular nature of the matter to be considered at the Hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the Hearing.

**RECREATION FACILITY** - An Establishment open to the public, that normally charges a fee/admission/donation, whether or not for profit, for the provision of recreation or entertainment for the general public including but not limited to amphitheaters, theaters, dance halls, Bowling Alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range, indoor archery range, go-kart tracks and automobile race tracks/speedways and not including Establishments that feature gaming and/or adult-oriented entertainment.

**RESEARCH AND DEVELOPMENT FACILITY** - A Structure or group of Structures in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESERVE PIT** - An open pit or reservoir used for the storage of drill cuttings, Impaired Water, or solid waste.

**RESIDENTIAL HOUSING DEVELOPMENT** - A group of six (6) or more Dwelling Units or Lots that were derived from a single parcel or group of parcels developed in conjunction with one another at the same time by a single developing entity.

**RESTAURANT, WITH DRIVE THRU** - An Establishment where food and drink are served to the public and where the design of physical facilities and/or packaging procedures permit or encourage patrons to order from and/or be served in their automobiles.

**RESTAURANT, NO DRIVE THRU** - An Establishment where food and drink are served to the public and where all services take place within the Building, tableside, or otherwise.

**RETAIL BUSINESS/STORE** - An Establishment located entirely within a Building which sells goods, services or merchandise to the general public for personal, household, or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

**RIGHT-OF-WAY** - Land reserved for Use as a street, alley, interior walk, or other public purpose and dedicated for public Use; all must be recorded in the County Recorder of Deeds Office. For

purpose of this Ordinance, Public Right-Of-Way lines shall prevail over private parcel lines that are designated as falling within the Public Right-of-Way. When a Lot abuts a right-of-way of a Public thoroughfare or alley, all applicable Lot Area and front, side, and rear Lot requirements shall be computed from the Public Right-of-Way line.

**ROAD FRONTAGE** – The portion of a property that abuts a Public or private roadway, street, lane, etc. In the case of a leased portion or subdivided portion of land on a larger parcel such as a Well Pad, Natural Gas Compressor Station or Natural Gas Processing Plant, Road Frontage shall be considered for the entire original parcel. Private driveways are excluded from this definition.

**ROADSIDE STAND** - A Businesses operated on a Lot for the sale of Agriculture and Forestry-related products.

**SALVAGE** - Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles (including tires and other parts therefrom), machinery, equipment, paper, glass containers and Structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

**SALVAGE YARDS** - Any outdoor area where scrap metal, paper, rags, tires, and other waste and/or used materials are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery, motor vehicles or other Salvage (as defined above) are collected, dismantled, stored or sold for parts.

**SCHOOL, ACADEMIC** - A public, sectarian, or private non-profit Establishment approved by the Commonwealth of Pennsylvania to provide formal academic and/or vocational education at the kindergarten, elementary, and secondary levels.

**SCHOOL, COMMERCIAL** - An academic or non-academic Establishment providing non-academic training, vocational, or trade-related educational courses and/or programs.

**SCREENING** - Any landscaping or Structure such as walls, fences, landscaped berms, and hedges, used to conceal or reduce the negative visual and audio impacts of certain land Uses or activities from streets or adjacent development. The height of a screen is measured from the highest finished grade abutting the element to be screened.

**SELF-SERVICE STORAGE FACILITY [MINI-WAREHOUSE]** - A Structure or group of Structures consisting of individual self-contained UNITS that are less than five hundred (500) square feet in size and are leased or owned for the storage of Business and household goods or contractor's supplies.

**SENIOR CENTER** - A Structure that provides recreation, social, or non-invasive health maintenance services, such as blood pressure screening, to senior citizens by a professionally trained staff or volunteers.

**SERVICE STATION** - An area of land, including Structures, used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances, sale of motor vehicle accessories which may include associated facilities for automobile servicing, excluding painting.

**SETBACK** - The minimum distance that a Structure can be located from a right-of-way or property front, rear and side line or another Structure, thereby creating a required Open Space Lot.

**SHALLOW WELL** - A pierced or bored hole drilled or being drilled into the ground but above the Marcellus Shale rock formation for the purpose of, or to be used for, producing, extracting or injecting Gas, oil, petroleum or another liquid related to oil or Gas production or storage, including brine disposal.

**SHALLOW WELL SITE** - The area occupied by the facilities, Structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, Drilling, fracturing, production or operation of a Shallow Well. This definition also includes any exploratory wells for Shallow Well Sites. If multiple areas are used, then the total combined areas shall be considered the Shallow Well Site area.

**SHORT TERM RENTAL** - The Use of a Dwelling or Dwelling Unit in which the owner rents any area of the Dwelling or Dwelling Unit to one or more individuals for compensation or fee, including offer of exchange in kind, of any type (whether or not involving overnight accommodations or separate sleeping quarters) for less than thirty (30) consecutive days. This definition applies to all types of Dwellings for Residential Use including but not limited to Single-Family Dwellings, Multiple-Family Dwellings, Duplexes, Apartments, and Townhomes.

**SIGN** - Any device, fixture, placard, or Structure that Use any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN AREA** - The entire face of a Sign including the advertising surface and any framing, trim or molding, but not including the supporting Structure.

**SILVICULTURAL** - The practice of growing and cultivation of trees.

**SINGLE-FAMILY ATTACHED DWELLING** - A Dwelling Unit attached to one or more other Dwelling Units by common party walls where each individual Dwelling Unit is accessed from the exterior of the Unit and where each individual Dwelling Unit is intended to be occupied by one Family.

**SINGLE-FAMILY DETACHED DWELLING** - A Structure containing one (1) Dwelling Unit which is the only principal Building on the Lot and is intended to be occupied by one FAMILY.

**SOCIAL CLUB** - An organization of persons with an identified purpose for providing services and opportunities associated with civic outreach to all ages of the general public.

**SOCIAL SERVICES AGENCY** - An Establishment providing assistance to those persons requiring help with legal, counseling, employment, learning or physical disabilities needs.

**SPECIAL EXCEPTION** - An authorized Use which may be granted only by a Zoning Hearing Board pursuant to express standards prescribed in this Ordinance and a Hearing conducted by a Zoning Hearing Board pursuant to Public Notice.

**SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of the areolae; or male genitals in a discernibly turgid state, even if completely and opaquely covered.

**STREET RIGHT-OF-WAY LINE** - The line defining the edge of the legal width of a dedicated street Right-of-Way.

**STRUCTURE** - Any man-made or prefabricated object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Structures include, but are not limited to Buildings, sheds, Decks, Signs, fences, Ponds over one half (1/2) acre in size, retaining walls, and landfills but excluding swing sets, playground equipment, landscaping, concrete or pavestone Patios and residential parking pads.

**STUDIO** - An Establishment used as a workspace by one or more artist, martial artist, photographer, musician, artisan craftsperson or other similar professionals, which may include space for the instruction of the public, as well as space for exhibits and sales incidental to the primary Use as a Studio.

**TAVERN/BAR** - An Establishment where the Principal Use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an Accessory Use.

**TEMPORARY STRUCTURE** - A Structure intended to be used for a period of one (1) year or less, including but not limited to construction or land sales trailers, tents, bleachers, air-supported Structures, seasonal displays, and similar Structures.

**UNCONVENTIONAL WELL** - See Deep Well.



UNIT - See Dwelling Unit.

URBAN AGRICULTURE - The practice of raising ducks and/or chickens on a parcel that is less than 1 acre in size.

USE - The purpose of the activity for which the land or Structure thereon is designed, arranged or intended, or for which it is occupied or maintained. The term "Principal Use" or "Use by right," or its equivalent, shall not be deemed to include any Non-Conforming Use.

USE, PRINCIPAL - The major or dominant Use of a Lot.

UTILITY - Within the framework of this Ordinance, utilities shall include Public water or Public sanitary sewer facilities. Public sewerage facilities are those operated and maintained by the Deer Creek Drainage Basin Authority and/or Richland Township or its designee. Any future expansion of the public sewer system must be in keeping with the "Allegheny County Comprehensive Sewerage Needs Plan" and the Township's "Comprehensive Plan" Public Water Service by the Municipal Authority of the Borough of Oakmont, the Hampton Township Municipal Authority and Fawn Frazer Joint Water Authority. Each Authority operates and maintains the water system within its respective service areas and is responsible for future expansion in keeping with the Allegheny County Comprehensive Water System Needs Plan and the Township's Comprehensive Plan.

VARIANCE - A modification of the regulations of this Ordinance by the Zoning Hearing Board to an owner in the Use of land or a Structure when a literal enforcement of this Ordinance would result in unnecessary hardship. All Variances must be forwarded to the Board of Supervisors and entered in their Official Minutes as a matter of Public record.

VETERINARY SERVICES - An Establishment containing facilities for the medical or surgical treatment of animals or pets. Use as a Kennel shall be limited to short-time boarding, shall be fully enclosed within a Structure or Building, and shall only be incidental to such medical Uses.

WAREHOUSE/DISTRIBUTION CENTER - A Structure or part thereof used for the housing, storage, adapting for sale, packaging, or wholesale distribution of goods, wares, merchandise, food stuff substances, and articles, but excluding the maintenance or fueling of vehicles.

WATER, FRESH - Water obtained from a hydrant, stream, lake, water well, river, spring or other source, that has not been treated or utilized in Commercial or industrial operations, or water obtained from Public water sources, such as hydrants and private/municipal water providers, in a form that is appropriate for human consumption.

**WATER, IMPAIRED** - A fluid which was formerly Fresh water but which has been exposed to chemicals, minerals or other substances that are not part of the water treatment process utilized for delivery of water for human consumption. This definition of "Impaired Water" includes, but is not limited to, terms such as "brine," "fracturing fluid," "produced water," "recycled water," "Impaired Water," "flowback water" and any other fluid that does not satisfy the definition of "Fresh Water" that is utilized in Oil and Gas Development operations.

**WELL OPERATOR** - The person (including any natural person, partnership, association, company, corporation or entity of any kind or type), and all subcontractors, agents, (i) designated as the Well Operator on the permit application or well registration, or (ii) the Applicant.

**WELL OWNER** - A person (including any natural person, partnership, association, company, corporation or entity of any kind or type), who owns, manages, leases, controls or possesses an Oil or Gas Well.

**WELL PAD** - The graded and fenced in area upon which permanent unconventional Drilling equipment, including the well bore and related facilities, are located.

**WHOLESALE OPERATION** - An Establishment primarily engaged in selling merchandise to retailers, institutional, Commercial, professional Business customers, or other wholesalers, rather than to the general public; and may include Warehouse(s) and/or distribution center(s) on the site of the principal Business.

**YARD** - The area of a property between property lines and Setback lines, of dimensions as herein noted in the Zoning Ordinance for each Zoning district, within which enclosed Buildings, or Structures, or any enclosed portion thereof, shall not be constructed. Fences and walls may be permitted in any Yard subject to height limitations as indicated herein.

**YARD, FRONT** - The area of a property extending across the entire width of the Lot between the front Building Line and the street line.

**YARD, REAR** - The area of a property extending from the rear of the main Building along the rear Lot line (not necessarily a street line) throughout the entire width of the Lot.

**YARD, SIDE** - The area of a property extending from the side of any Building along the side Lot line through the entire depth of the Building.

**ZONING** - The legal, administrative process whereby a municipality divides its territory into Districts and applies to each district a number of regulations to control the Use of land, the height and bulk of Buildings, and the area of ground to be built upon.

ZONING HEARING BOARD - The Board assigned the duties of judging various appeals of person aggrieved by the interpretation of the terms of this Ordinance.

ZONING MAP - The official Zoning Map or Maps of West Deer Township, which are part of the West Deer Township Zoning Ordinance, and all amendments thereto.

ZONING OFFICER - The duly appointed administrative officer designated to administer the Zoning Ordinance and issue Zoning or Building permits.

ZONING PERMIT - A statement signed by the Zoning Officer indicating that the application for permission to construct, alter, or add is approved and in accordance with the requirements of the terms of this Ordinance.

## **ARTICLE V**

### **ZONING DISTRICTS**

#### **§ 210-8 ESTABLISHMENT OF DISTRICTS**

For the purpose of this Ordinance, the Township of West Deer is hereby divided into the following districts:

P	Park District
R	Rural Estate District
RE	Residential Estate District
R-1	Rural Residential District
R-2	Semi-Suburban Residential District
R-3	Suburban Residential District
R-4	Urban Residential District
C-1	Neighborhood Commercial District
C-2	Highway Commercial District
I	Industrial District
SU	Special Use District
V	Village Corridor Overlay
BTP	Business and Technology Park Overlay

#### **§ 210-9 ZONING DISTRICT DESCRIPTIONS**

**P Park** – The P district will preserve, conserve, and protect the native and manmade Open Space and recreation areas throughout the Township. It is intended that this district will provide Open Space for a variety of Uses such as conservation of natural amenities, aesthetics, hiking, wildlife habitat, and park and recreation facilities among other similar Uses. This district shall be applied only to land dedicated to or owned by the state, County, Township.

**R Rural Estate** – The R district has permitted Uses for single-family detached homes, agricultural and animal related Uses. This Zoning district is the most rural parts of the Township with the largest parcels. The 3 acre Lot size is a function of the lack of Public utilities needed for future residential development and is specifically intended to preserve this district for rural and agricultural activities.

**RE Residential Estate** – The RE district has permitted Uses for single-family detached homes. This district is a transition from the Rural Estate district to a residential homes district when Public utilities become available in close proximity while still maintaining larger Lot sizes to preserve the rural characteristic of the Township.

**R-1 Rural Residential** - The R-1 district has permitted Uses for single-family detached Dwellings, Duplex or residential Buildings for two Units, parks and playgrounds, municipal and

municipally related civic Public Buildings, horses and/or ponies on permitted land areas, education and religious Uses, agricultural and related activities.

R-2 Semi-Suburban Residential – The R-2 districts have permitted Uses for Single-Family Detached Dwellings, Duplex or residential Buildings for two Dwelling Units, parks and playgrounds, municipal and municipally related Public buildings, and horses and/or ponies.

R-3 Suburban Residential – The R-3 districts have permitted Uses for single-family detached Dwellings, Duplex or residential Buildings designed for two Dwelling Units, multi-family Dwelling Units (two to six per Building), and Planned Residential Developments.

R-4 Urban Residential – The R-4 districts have permitted Uses for single-family detached Dwellings, parks, playgrounds, other recreational Uses, and Planned Residential Developments. This Zoning district is primarily made up of existing neighborhoods with smaller Lots.

C-1 Neighborhood Commercial – The C-1 district allows for small retail and trade Establishments, banks, and other types of small Commercial development.

C-2 Commercial Highway – The C-2 districts allow for Wholesale Operations, restaurants, automobile sales, Hotels, and larger Commercial developments. This district is located adjacent to major arteries of the Township that have large traffic flow.

I Industrial – The I district allows for manufacturing, laboratories, Warehouses, and related infrastructure.

SU Special Use – The SU district allows an existence of a mixture of certain types of ‘compatible’ Commercial and industrial Uses in an area where vehicular access is provided by a major Public thoroughfare.

V Village Overlay – The V district overlay allows small Businesses such as bakeries and Retail Stores less than 10,000 sq. ft. and Professional Offices as well as Apartments, Duplexes, and Single-Family Detached Dwellings to exist in Zoning districts that typically do not allow such Uses. This overlay allows a transition between residential and Commercial /industrial Uses.

BTP Business Technology Park Overlay – The BTP district overlay is an overlay located in the Industrial Zoning district per official West Deer Zoning Map and as a Conditional Use in the Industrial Zoning district. This district overlay allows for a mix of Businesses, Commercial space, and Warehouses in the Industrial Zoning district. It also allows more flexible site design and Setback requirements.

## **§ 210-10 ESTABLISHMENT OF DISTRICT MAP**

- A. The boundaries of the Districts are hereby established as shown on the map entitled “Official Zoning Districts Map” on file in the office of the Zoning Officer. This Map, with all explanatory matter thereon, shall be deemed to accompany, be, and is hereby made a part of this Ordinance.

- B. The Official Zoning Districts Map of West Deer Township shall be amended in the manner and to the extent exhibited.

#### **§ 210-11            BOUNDARIES**

Where uncertainty exists as the boundaries of Districts as shown on the Official Zoning Districts Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted Lot lines shall be construed as following such Lot lines;
- C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- D. Boundaries indicated as parallel or extensions of features indicated in § 210-10A shall be so construed. Distances not specifically indicated on the Official Zoning Districts Map shall be determined by the scale of the map; and
- E. Where physical or cultural features existing on the ground are at Variance with those shown on the Official Zoning Districts Map, or in other circumstances not covered by § 210-10A, the Zoning Hearing Board shall interpret the District Boundaries.

# § 210-12

# AUTHORIZED LAND USES BY DISTRICT

## Legend

**P** Permitted Use

**C** Conditional Use

**A** Accessory Use

<b>A</b>	<b>RESIDENTIAL USES</b>	<b>R</b>	<b>RE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>SU</b>	<b>V</b>
	Apartment					C	C	C				C
	Boarding House							P				
	Duplex				P	P	P					P
	Halfway House							C			C	
	Group Care Home			C	C	C	C				C	
	Mobile/Manufactured Home Park						C					
	Manufactured / Industrial Home	P		P	P	P	P					
	Nursing/Convalescent Care Facility					C			P			
	Personal Care Home			C	C	C	C					
	Planned Residential Development (PRD)				C	C	C					
	Quadplex				C	C	C					
	Single-Family Semi-Attached Dwelling											P
	Single-Family Detached Dwelling	P	P	P	P	P	P					
	Townhouse				C	C	C	C				
	All Other Residential Uses						C					

B	NON-RESIDENTIAL USES	R	RE	R-1	R-2	R-3	R-4	C-1	C-2	I	SU	V
	Accessory Structures/Uses	A	A	A	A	A	A	A	A	A	A	A
	Adult-Oriented Establishment									C		
	Agriculture	P	P	P								
	Airport									C		
	Animal Husbandry	P	P	P	P	P						
	Assembly or Fabrication Facility									P	P	
	Automobile Garage: See Garage, Automobile Repair											
	Automobile Sales/Service								C		C	
	Automobile Rental								C		C	
	Bank: See Financial Institution											
	Bakery							P	P		P	P
	Beekeeping	P/A	P/A	P/A	P/A	A	A	A	A			
	Bed and Breakfast	C	C	C								
	Billboard								C	C	C	
	Birds Of Prey	A		A								
	Business and Technology Park									C		
	Business Services							P	P		P	
	Campground	C										
	Car Wash								P		P	
	Cemetery			C								
	Cinema								P	P	P	
	Clinic: See Medical Clinic											
	Communications Antenna	P	P	P	P	P	P	P	P	P	P	
	Communications Tower									C	C	
	Community-Oriented Gardens (COGS)	P		P	P	P	P	P	P			P
	Concentrated Animal Feeding Operation (CAFO)	C										
	Concentrated Animal Operation (CAO)	C										
	Conference and Training Center								P		P	
	Contractor's Yard									C		
	Convenience Store, Neighborhood							P	P		P	C
	Convenience Store with Gasoline							C	C	C	C	



<b>NON-RESIDENTIAL USES</b>	<b>R</b>	<b>RE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>SU</b>	<b>V</b>
Country Club/Golf Course	C	C	C	C				P		P	
Crematorium								P		P	
Day Care Center							P	P		P	C
Day Care Home	P		P	P	P	P					
Deep Well Site	C	C	C	C	C				C		
Driving Range	A	A	A	A				P	P	P	
Essential Service Facility	C	C	C	C	C	C	C	P	P	P	C
Essential Service Infrastructure	P	P	P	P	P	P	P	P	P	P	P
Financial Institution							P	P	P	P	P
Flex Space									P	P	
Food Packaging Facility									P		
Food Preparation Business							P	P		P	
Forestry	P	P	P	P	P	P	P	P	P	P	
Funeral Home					C	C	C	P		P	
Garage, Automobile Repair								C	C	C	
Garage, Private	A	A	A	A	A	A	A	A	A	A	
Garden Center/Nursery								P		P	
Gas Station: See Convenience Store with Gasoline											
Home Based Business, Low Impact	P		P	P	P	P					P
Home Based Business, No Impact	P	P	P	P	P	P					P
Home Based Business, Other	C		C	C	C	C					C
Hospital					C			C		P	
Hotel/Motel								P		P	
Keeping of Horses, Boarding	P		P								
Keeping of Horses, Personal	P		P	P							
Kennel, Animal								C	C	C	
Library							P	P		P	
Manufacturing, Heavy									P		
Manufacturing, Light									P	P	
Massage Therapy Establishment							P	P		P	
Medical Clinic							C	P		P	
Medical Marijuana Academic Clinical Research Center								P	P		
Medical Marijuana Dispensary								C	P		

<b>NON-RESIDENTIAL USES</b>	<b>R</b>	<b>RE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>SU</b>	<b>V</b>
Medical Marijuana Grower/Processor	C							C	P		
Medical Marijuana Transport Vehicle Offices								C	P		
Microbrewery								P	P	P	
Military Related Facility									C		
Mixed-Use Apartment Building						C	C	C			C
Motel: See Hotel/Motel											
Municipal Administration Facility								P			
Natural Gas Compressor Station	C		C						C		
Natural Gas Processing Plant									C		
Office, Business, <5,000 sf.							P	P	A	P	
Office, Business, >5,000 sf. and <40,000 sf.							C	P	A	P	
Office, Business, >40,000 sf.								C		C	
Office, Medical							C	P		P	C
Office, Professional							P	P		P	P
Oil & Gas Service Infrastructure	P	P	P	P	P				P	P	
Open Space	P	P	P	P	P	P	P	P	P	P	P
Parking Areas	A	A	A	A	A	A	A	A	A	A	A
Parking Garage: See Garage, Public											
Parks	P	P	P	P	P	P	P	P	P	P	P
Personal Services							C	P		P	P
Pharmacy							P	P		P	
Place of Assembly	C		C	C	C	C	C	C		C	C
Place of Worship	C		C	C	C	C	C	C		C	C
Planned Non-Residential Development (PNRD)							P	P	P	P	
Post Office							P	P		P	
Printer/Publisher									P		
Private Club							C	C		C	
Recreation Facility, Profit							C	P	P		
Recreation Facility, Non-Profit				C	C			P	P		
Research and Development Facility									P	P	
Restaurant: With Drive Thru								C		C	

<b>NON-RESIDENTIAL USES</b>		<b>R</b>	<b>RE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>SU</b>	<b>V</b>
Restaurant: No Drive Thru								P	P		P	
Retail/Business Store, <10,000 sf.								P	P		P	P
Retail/Business Store >10,000 sf. and <40,000 sf.									C		C	
Retail/Business Store >40,000 sf.									C		C	
Roadside Stand		A		A				C	P	P	P	
Salvage Yard										P		
School, Academic		C		C	C	C	C	C	P	P	P	
School, Commercial		C							P	P	P	
Self-Service Storage Facility (mini-warehouse)										C	C	
Short Term Rentals		P	P	P	P	P	P	P	P	P	P	P
Senior Center								P	P		P	
Shallow Well Site		C	C	C	C	C	C		C	C	C	
Social Club								C	C		C	
Social Services Agency								C	P		P	
Studio								P	P		P	P
Tavern/Bar								C	P		C	
Temporary Structure		A	A	A	A	A	A	A	A	A	A	A
Urban Agriculture		A	A	A	A	A	A	A	A			A
Veterinary Services								C	P		P	
Warehouse/Distribution Center										P	C	
Wholesale Operation										P	P	
All Other Non-Residential Uses										C		
<b>C</b>	<b>PLANNED NON-RESIDENTIAL DEVELOPMENT USES</b>	<b>R</b>	<b>RE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>SU</b>	<b>V</b>
	Financial Institution							P	P		P	
	Office, Business, <5,000 sf.							P	P		P	
	Office, Professional							P	P		P	
	Personal Services							P	P		P	
	Restaurant: No Drive Thru							P	P		P	
	Retail/Business Store, <10,000 sf.							P	P		P	

## § 210-13 DIMENSIONAL REQUIREMENTS

### A. Residential Dimensional Table

District	Land Use	Density (d/u per acre)	Building Height (Stories)	Lot Area (Sq. Feet)	Lot Width	Front Yard	Rear Yard Setback	Side Yard Setback	Side Yard (Street Side Corner Lot)	Required Common Open Space
R	Single-Family (All Utilities)	1	35' (2.5)	43,560	150'	50'	75'	35'	35'	N/A
R	Single-Family (No Utilities)	0.33	35' (2.5)	130,680	200'	50'	75'	35'	35'	N/A
	Accessory	N/A	25' (2)	N/A	N/A	50'	15'	15'	35'	N/A
RE	Single-Family	0.66	35' (2.5)	65,340	200'	50'	75'	35'	50'	N/A
	Accessory	N/A	25' (2)	N/A	N/A	50'	15'	15'	50'	N/A
R-1	Single-Family	1	35' (2.5)	43,560	150'	50'	75'	25'	35'	N/A
	Accessory	N/A	20'	N/A	N/A	50'	15'	15'	35'	N/A
R-2	Single-Family (No Utilities)	1	35' (2.5)	43,560	150'	35'	40'	15'	35'	N/A
	Single-Family (All Utilities)	2	35' (2.5)	21,780	100'	35'	40'	15'	35'	N/A

	Duplex-Zero Lot Lines (No Utilities)	1.45	35' (2.5)	60,000	200'	35'	40'	15'	35'	N/A
	Duplex-Zero Lot Lines (All Utilities)	1	35' (2.5)	25,000	100'	35'	40'	15'	35'	N/A
	Townhome	4.36	35' (2.5)	20,000	100'	35'	40'	15'	35'	N/A
	Accessory	N/A	20'	N/A	N/A	35'	5'	5'	35'	N/A
R-3	Single-Family (No Utilities)	1	35' (2.5)	43,560	100'	35'	40'	15'	35'	N/A
	Single-Family (All Utilities)	2.9	35' (2.5)	15,000	75'	35'	40'	15'	35'	N/A
	Multi-Family (2-6 Units)	4.36	35' (2.5)	20,000	160'	35'	40'	20'	35'	N/A
	Accessory	N/A	20'	N/A	N/A	35'	5'	5'	35'	N/A
R-4	Single-Family (No Utilities)	1	35' (2.5)	43,560	100'	25'	40'	12'	25'	N/A
	Single-Family (All Utilities)	5.81	35' (2.5)	7,500	60'	25'	40'	12'	25'	N/A
	Duplex-Zero Lot Lines (All Utilities)	5.12	35' (2.5)	8,500	70'	25'	40'	12'	25'	N/A
	Accessory	N/A	20'	N/A	N/A	25'	5'	5'	25'	N/A

## A. Residential Dimensional Table Continued

PRD	R-1 Single-Family R-2 Single-Family R-2 Duplex Units R-2 Townhome Units R-3 Single-Family R-3 Duplex Units R-3 Townhome Units R-3 Apartment Units	See §210- 106.A	35'(2.5)	N/A	N/A	See §210- 106.B.3	50'	25'	50' buffer on perimeter, 30' between buildings 50' buffer on perimeter, 30' between buildings 50' buffer on perimeter, 75' between buildings 35' buffer on perimeter, 25' between buildings 35' buffer on perimeter, 25' between buildings 35' buffer on perimeter, 50' between buildings 35' buffer on perimeter, 50' between buildings	30%**
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1. All flagpole Lot in any Zoning district width of pole may be reduced to 50' wide but shall not count towards required Lot size.
2. Any existing parcel or Lot recorded prior to 2021 shall be exempt from Lot requirements but shall adhere to Setback requirements.

\*An additional 2,500 square feet must be added with each additional Unit more than two (2).

\*\* 30 percent of total site area. See definition for Common Open Space.

\*\*\* Duplex– in the case of a zero-lot line Structure, the minimum Lot and area required shall be 30,000 square feet with no utilities and 12,500 square feet with utilities for each sub-lot; the minimum Lot Width shall be 100 feet with no utilities and 50 feet with utilities for each sub-lot; there shall be no minimum Side Yard requirement at the common party wall. The minimum Side Yard Setback for non-common walls shall be 15'.

\*\*\*\* Duplex – in the case of a zero-lot line Structure, the minimum Lot and area required shall be 4,250 square feet for each sub-lot; the minimum Lot Width shall be 35' for each sub-lot; there shall be no minimum Side Yard requirement at the common party wall. The minimum Side Yard Setback for non-common walls shall be 12'.

## B. Non-Residential Dimensional Table

District	Max. Lot Coverage	Max. Building Height (Stories)	Min. Lot Area (Sq. Ft.)	Min. Lot Width	Min. Front Yard	Min. Rear Yard	Min. Side Yard Setback when adjoining ...		
							Non-Residential	Residential	Street Side on Corner Lot
C-1	30%	35' (2.5)	20,000	100'	50'	30'	15'	25'	50'
C-2	30%	35' (2.5)	30,000	150'	50'	30'	15'	25'	50'
I	30%	35' (2.5)	30,000	150'	50'	50'	20'	50'	50'
SU	40%	35' (3)	43,560	200'	50'	50'	25'	25'	50'

## **ARTICLE VI**

### **APPLICATION OF REGULATIONS**

Any municipal Use proposed by the Township of West Deer shall be permitted by right in all Zoning districts. Notwithstanding anything to the contrary appearing elsewhere in this ordinance, land, Buildings, or premises in all Zoning districts may be used by right for the performance of any Public function without regard to specific limitations or regulations pertaining to the Zoning district in which such Use may be located.

#### **§ 210-14        USE OF PROPERTY**

No Building or land shall hereafter be used or occupied and no Building or part thereof shall be Erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

#### **§ 210-15        RESTRICTIONS**

- A.        No Building shall hereafter be Erected or altered:
  - 1.    To exceed the height;
  - 2.    To accommodate a greater number of families;
  - 3.    To occupy a greater percentage of Lot Area; and
  - 4.    To have narrower or smaller Rear Yards, Front Yards or Side Yards than is specified herein for the district in which such Building is located.
- B.        No part of a Yard or other space required of any Building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a Yard or other Open Space similarly required for another Building.

## **ARTICLE VII**

### **R: RURAL ESTATE DISTRICT**

#### **§ 210-16      PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-17      ACCESSORY USES**

- A. Private Garages or Parking Areas.
- B. Other Accessory Uses customarily incidental to a Principal Use.
- C. Accessory Buildings such as tool or garden sheds, chicken coops or houses, barns, silos, corncribs, smokehouses, and Private Garages
- D. Roadside Stands selling products produced on the premises. Display counters and stands shall be Erected at least thirty-five feet (35') from the Cartway, including a minimum of ten (10) off-street Parking Spaces.
- E. Signs- See § 210-126
- F. See § 210-12

#### **§ 210-18      CONDITIONAL USES**

Land Uses - § 210-12

See § 210-162 for standards and criteria.

#### **§ 210-19      LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### **§ 210-20      OFF-STREET PARKING REQUIREMENTS**

See § 210-120



## **ARTICLE VIII**

### **RE: RESIDENTIAL ESTATE DISTRICT**

#### **§ 210-21      PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-22      ACCESSORY USES**

- A. Private Garages or Parking Areas.
- B. Other Accessory Uses customarily incidental to a Principal Use.
- C. Signs - See § 210-126
- D. See § 210-12
- E. Farm and Agricultural Uses in Lots three (3) acres or more in size.

#### **§ 210-23      CONDITIONAL USES**

Land Uses - § 210-12

See § 210-160 for standards and criteria.

#### **§ 210-24      LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### **§ 210-25      OFF-STREET PARKING REQUIREMENTS**

See § 210-120

## **ARTICLE IX**

### **R-1: RURAL RESIDENTIAL DISTRICT**

#### **§ 210-26      PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-27      ACCESSORY USES**

- A. Private Garages or Parking Areas.
- B. Other Accessory Uses customarily incidental to a Principal Use.
- C. Accessory Buildings such as tool or garden sheds, chicken coops or houses, barns, silos, corncribs, smokehouses and Private Garages.
- D. Roadside Stands selling products produced on the premises. Display counters and stands shall be Erected at least thirty-five feet (35') from the Cartway, including a minimum of ten (10) off-street Parking Spaces.
- E. Signs - See § 210-126
- F. See § 210-12

#### **§ 210-28      CONDITIONAL USES**

Land Uses - See § 210-12

See Section § 210-160 for standards and criteria.

#### **§ 210-29      LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See Sections § 210-13

#### **§ 210-30      OFF-STREET PARKING REQUIREMENTS**

See § 210-120

## **ARTICLE X**

### **R-2: SEMI-SUBURBAN RESIDENTIAL DISTRICT**

#### **§ 210-31 PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-32 ACCESSORY USES**

- A. Private Garages or Parking Areas.
- B. Other Accessory Uses customarily incidental to a Principal Use.
- C. Signs - See § 210-126
- D. See § 210-12

#### **§ 210-33 CONDITIONAL USES**

Land Uses - See § 210-12

See Section § 210-162 for standards and criteria.

#### **§ 210-34 LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### **§ 210-35 OFF-STREET PARKING REQUIREMENTS**

See § 210-120

## **ARTICLE XI**

### **R-3: SUBURBAN RESIDENTIAL DISTRICT**

#### **§ 210-36      PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-37      ACCESSORY USES**

- A. Private Garages or Parking Areas.
- B. Other Accessory Uses customarily incidental to a Principal Use.
- C. Signs - See § 210-126
- D. See § 210-12

#### **§ 210-38      CONDITIONAL USES**

Land Uses - See § 210-12

See § 210-162 for standards and criteria.

#### **§ 210-39      LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### **§ 210-40      OFF-STREET PARKING REQUIREMENTS**

See § 210-120

## **ARTICLE XII**

### **R-4: URBAN RESIDENTIAL DISTRICT**

#### **§ 210-41 PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-42 ACCESSORY USES**

- A. Private Garages or Parking Areas.
- B. Other Accessory Uses customarily incidental to a Principal Use.
- C. Signs - See § 210-126
- D. See § 210-12

#### **§ 210-43 CONDITIONAL USES**

Land Uses - See § 210-12

See § 210-162 for standards and criteria.

#### **§ 210-44 LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### **§ 210-45 OFF-STREET PARKING REQUIREMENTS**

See § 210-120

## **ARTICLE XIII**

### **C-1: NEIGHBORHOOD COMMERCIAL DISTRICT**

#### **§ 210-46      PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-47      ACCESSORY USES**

- A.      Accessory Uses on the same Lot with and customarily incidental to a Principal Use.
- B.      Signs - See § 210-126
- C.      See § 210-12

#### **§ 210-48      CONDITIONAL USES**

Land Uses - See § 210-12

See § 210-162 for standards and criteria.

#### **§ 210-49      LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### **§ 210-50      OFF-STREET PARKING AND LOADING REQUIREMENTS**

See § 210-120

#### **§ 210-51      OUTSIDE STORAGE AND LANDSCAPING REQUIREMENTS**

- A.      All outside storage of materials shall be screened from view from any adjacent Public street in accordance with § 210-51.B.
- B.      Screening from adjacent residential properties - Developers of Neighborhood Commercial property adjacent to existing residentially developed property shall provide a screen along the rear property line and along the side property lines up to the point of intersection with the Front Yard Setback line. Required Screening shall take the form of a continuous hedge which, when mature, is at least six feet (6') high with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials, or a line of evergreen trees at least three feet (3') high when planted, that will grow together when mature, with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials.
- C.      Landscaping - All areas of any Commercial property not covered by BUILDING or paved shall be planted in grass or other ground cover. Landscaping shall be maintained so that plant maturity occurs within a three (3) year period.
- D.      For every one thousand (1,000) square feet of Commercial Building footprint an additional tree of two and one-half inch (2 ½") Caliper shall be provided.

- E. If adequate room for required trees is not feasible, the Developer may present an alternative option to the Planning Commission which shall review the alternative and shall make a recommendation to the Board of Supervisors.

## **§ 210-52 DEVELOPMENT STANDARDS**

In addition to the regulations established in this Section, all Uses in this district shall be required to address the requirements of section § 210-153 of this Ordinance.

- A. No lighting on any Commercial property shall produce a Glare upon adjacent properties. Lighting shall meet the provisions of this Ordinance.
- B. No noise, as measured along the boundary separating Residential or Commercial districts or Uses from a Neighborhood Commercial District, shall exceed fifty (50) decibels, whether or not such noise is intermittent or steady. Noise may also be regulated by other Township regulations, the most restrictive shall govern.
- C. No waste material of any kind may be burned in the open air on any Commercial property for heating or any other Use except for UL listed furnaces designed for that purpose.
- D. In no case shall smoke emitted from any heating process exceed a Density equivalent to number two (2) on the Ringelmann type smoke detection chart.
- E. Construction Materials – In the Neighborhood Commercial District, the architectural character should attempt to compliment the neighboring development. All exterior walls or Buildings are to be finished with face brick, synthetic stucco, including “dryvit”, stone and/or architectural metal. Metal cladding of Warehouse Structures shall not exceed sixty percent (60%) of the total wall surface. Exterior glass and metal enclosure (curtain) walls may be used for office portions of a Building. Concrete block or poured concrete wall treatments (when used in an architectural fashion) shall be subject to Planning Commission approval. If an addition is added to an existing Building that does not meet the construction materials standard the owner may choose to improve the front facade of the existing Building in lieu of the addition subject to Planning Commission approval.
- F. Waste Disposal - All refuse, if stored outside the Building, is to be kept in containers stacked in a neat and safe manner, and shall be removed at least once a week, or as scheduled by the waste disposal company, and is to be totally enclosed and screened from view from streets. No burial of waste material is permitted on the site.
- G. Buildings shall be screened in accordance with § 210-153.A.3.(a).
- H. Site lighting shall be reduced to zero (0.0) foot-candle at the perimeter property line with the exception of lighting for Public sidewalks.
- I. For new development and/or redevelopment, street trees shall be provided along the entire length of the street Right-of-Way Street trees shall be provided on both sides of any street which is within a development. Street trees shall be planted at fifty (50) foot intervals within ten (10) to fifteen (15) feet of the street Right-of-Way. Street trees shall be located to enable Utility maintenance, required sight

distances and visibility of street and traffic Signs. Species selection and location of street trees shall take into account maturity height and width in regards to firetruck and snow removal equipment ingress and egress as well as sidewalk obstructions.



## **ARTICLE XIV**

### **C-2: HIGHWAY COMMERCIAL DISTRICT**

#### **§ 210-53 PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-54 ACCESSORY USES**

- A. Accessory Uses on the same Lot customarily incidental to a Principal Use.
- B. Signs - See § 210-126
- C. See § 210-12

#### **§ 210-55 CONDITIONAL USES**

Land Uses - See § 210-12

See § 210-162 for standards and criteria.

#### **§ 210-56 LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### **§ 210-57 OFF-STREET PARKING AND LOADING REQUIREMENTS**

See § 210-120

#### **§ 210-58 OUTSIDE STORAGE AND LANDSCAPING REQUIREMENTS**

- A. All outside storage of materials shall be screened from view from any adjacent Public street in accordance with § 210-58.B.
- B. Screening from adjacent residential properties - Developers of Highway Commercial property adjacent to existing residentially developed property shall provide a screen along the rear property line and along the side property lines up to the point of intersection with the Front Yard Setback line. Required Screening shall take the form of a continuous hedge which, when mature, is at least six feet (6') high with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials, or a line of evergreen trees at least three feet (3') high when planted, that will grow together when mature, with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials.
- C. Landscaping - All areas of any Commercial property not covered by Buildings or paved shall be planted in grass or other ground cover. Landscaping shall be maintained so that plant maturity occurs within a three (3) year period.
- D. For every one thousand (1,000) square feet of Commercial Building footprint an additional tree of two and one-half inch (2 ½") Caliper shall be provided.
- E. If adequate room for required trees is not feasible an alternative option may be discussed with the Planning Commission and recommendations made to the

Board of Supervisors. The alternative option proposal shall include a narrative stating why the standard cannot be met, a site plan showing that additional trees will not feasibly fit on the site and a possible tradeoff feature.

## **§ 210-59 DEVELOPMENT STANDARDS**

In addition to the regulations established in this Section, all Uses in this district shall be required to address the requirements of § 210-153 of this Ordinance.

- A. No lighting on any Commercial property shall produce a Glare upon adjacent properties. Lighting shall meet the provisions of this Ordinance.
- B. No noise, as measured along the boundary separating residential or Commercial districts or Uses from a Highway Commercial District, shall exceed fifty (50) decibels, whether or not such noise is intermittent or steady. Noise may also be regulated by other Township regulations, the most restrictive shall govern.
- C. No waste material of any kind may be burned in the open air on any Commercial property for heating or any other Use.
- D. In no case shall smoke emitted from any heating process exceed a Density equivalent to number two (2) on the Ringelmann type smoke detection chart.
- E. Construction Materials – In the Highway Commercial District, the architectural character should attempt to compliment the neighboring development. All exterior walls or Buildings are to be finished with face brick, synthetic stucco, including “dryvit”, stone and/or architectural metal. Metal cladding of Warehouse Structures shall not exceed sixty percent (60%) of the total wall surface. Exterior glass and metal enclosure (curtain) walls may be used for office portions of a Building. Concrete block or poured concrete wall treatments (when used in an architectural fashion) shall be subject to Planning Commission approval. If an addition is added to an existing Building that does not meet the construction materials standard the owner may choose to improve the front facade of the existing Building in lieu of the addition subject to Planning Commission approval.
- F. Waste Disposal - All refuse, if stored outside the Building, is to be kept in containers stacked in a neat and safe manner, and shall be removed at least once a week, or as scheduled by the waste disposal company, and is to be totally enclosed and screened from view from streets. No burial of waste material is permitted on the site.
- G. Buildings shall be screened in accordance with § 210-153.A.3.(a).
- H. Site lighting shall be reduced to zero (0.0) foot candle at the perimeter property line with the exception of lighting for Public sidewalks.
- I. For new development and/or redevelopment, street trees shall be provided along the entire length of the street Right-of-Way. Street trees shall be provided on both sides of any street which is within a development. Street trees shall be planted at fifty (50) foot intervals within ten (10) to fifteen (15) feet of the street Right-of-Way. Street trees shall be located to enable Utility maintenance, required sight distances and visibility of street and traffic Signs. Species selection and location of street trees shall take into account maturity height and

width in regards to firetruck and snow removal equipment ingress and egress as well as sidewalk obstructions.

## **ARTICLE XV**

### **I: INDUSTRIAL DISTRICT**

#### **§ 210-60      PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-61      ACCESSORY USES**

- A.      Accessory Uses on the same Lot with and customarily incidental to a Principal Use.
- B.      Signs - See § 210-126
- C.      See § 210-12

#### **§ 210-62      CONDITIONAL USES**

Land Uses - See § 210-12

See § 210-162 for standards and criteria.

#### **§ 210-63      LOT AND AREA REQUIREMENTS**

See § 210-13

#### **§ 210-64      OFF-STREET PARKING AND LOADING REQUIREMENTS**

See § 210-120

#### **§ 210-65      OUTSIDE STORAGE AND LANDSCAPING REQUIREMENTS**

- A.      All outside storage of materials shall be screened from view from any adjacent Public street or from beyond the edge of the Industrial District in accordance with § 210-65.C.
- B.      Outdoor storage of liquids shall be either in vented underground tanks, required if liquids are flammable, or in tanks set at grade, surrounded by a dike of sufficient height and capacity to contain the maximum capacity of the tanks thus provided.
- C.      Screening from adjacent residential properties - Developers of Industrial property adjacent to existing residentially developed property shall provide a screen along the rear property line and along the side property lines up to the point of intersection with the Front Yard Setback line. Required Screening shall take the form of a continuous hedge which, when mature, is at least six feet (6') high with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials, or a line of evergreen trees at least three feet (3') high when planted, that will grow together when mature, with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials.

- D. Landscaping - All areas of any industrial property not covered by Buildings or paved shall be planted in grass or other ground cover. Landscaping shall be maintained so that plant maturity occurs within a three (3) year period.
- E. For every one thousand (1,000) square feet of Commercial Building footprint an additional tree of two and one-half inch (2 ½") Caliper shall be provided.
- F. If adequate room for required trees is not feasible an alternative option may be discussed with the Planning Commission and recommendations made to the Board of Supervisors.
- G. One (1) shade tree of a minimum of two and one-half inch (2-1/2") Caliper (diameter at breast height) shall be planted within any Parking Area per each ten (10) Parking Spaces.

#### **§ 210-66 DEVELOPMENT STANDARDS**

In addition to the regulations established in this Section, all Uses in this district shall be required to address the requirements of § 210-153 of this Ordinance.

- A. No lighting on any industrial property shall produce a Glare upon adjacent properties. Lighting shall meet the provisions of this Ordinance.
- B. No noise, as measured along the boundary separating residential or Commercial districts or Uses from an Industrial District, shall exceed fifty (50) decibels, whether or not such noise is intermittent or steady. Noise may also be regulated by other Township regulations, the most restrictive shall govern.
- C. No waste material of any kind may be burned in the open air on any industrial property.
- D. In no case shall smoke emitted from any heating or manufacturing process exceed a Density equivalent to number two (2) on the Ringelmann type smoke detection chart.
- E. Manufacturing process producing dust and dirt shall be confined within a completely enclosed area.
- F. Dust, dirt, Gases, and odors shall be gathered within the Building housing the manufacturing process producing such by-products or within equipment designed for collecting or processing such products.
- G. Vibration from any operation within the Industrial District shall not be discernible outside the property in which the vibration producing equipment is located.
- H. Construction Materials – In the Industrial District, the architectural character should attempt to compliment the neighboring development. All exterior walls or Buildings are to be finished with face brick, synthetic stucco, including "dryvit", stone and/or architectural metal. Metal cladding of Warehouse Structures shall not exceed sixty percent (60%) of the total wall surface. Exterior glass and metal enclosure (curtain) walls may be used for office portions of a Building. Concrete block or poured concrete wall treatments (when used in an architectural fashion) shall be subject to Planning Commission recommendation.

If an addition is added to an existing Building that does not meet the construction materials standard the owner may choose to improve the front facade of the existing building in lieu of the addition subject to Planning Commission approval.

- I. Waste Disposal - All refuse, if stored outside the Building, is to be kept in containers stacked in a neat and safe manner, and shall be removed at least once a week, or as scheduled by the waste disposal company, and is to be totally enclosed and screened from view from streets and from adjoining properties. No burial of waste material is permitted on the site.
- J. Buildings shall be screened in accordance with § 210-153.A.3.(a).
- K. Site lighting shall be reduced to zero (0.0) foot-candle at the perimeter property line.
- L. For new development and/or redevelopment, street trees shall be provided along the entire length of the street Right-of-Way. Street trees shall be provided on both sides of any street which is within a development. Street trees shall be planted at fifty (50) foot intervals within ten (10) to fifteen (15) feet of the street Right-of-Way. Street trees shall be located to enable Utility maintenance, required sight distances and visibility of street and traffic Signs. Species selection and location of street trees shall take into account maturity height and width in regards to firetruck and snow removal equipment ingress and egress as well as sidewalk obstructions.

## ARTICLE XVI

### SU: SPECIAL USE DISTRICT

#### § 210-67      **PRINCIPAL USES**

Land Uses - See § 210-12

#### § 210-68      **ACCESSORY USES AND STRUCTURES**

- A.      Offices and administrative Buildings associated with the principal permitted Use.
- B.      Storage Structures customarily associated with the principal permitted Use.
- C.      Parking Areas for employees, visitors, company vehicles.
- D.      Loading and truck maneuvering areas.
- E.      Railroad sidings, lead tracks.
- F.      Limited outdoor storage - See § 210-73
- G.      Signs - See § 210-126
- H.      See § 210-12

#### § 210-69      **CONDITIONAL USES**

See § 210-162

#### § 210-70      **LOT AND AREA REQUIREMENTS**

Dimensional Requirements - See § 210-13

#### § 210-71      **OFF-STREET PARKING REQUIREMENTS**

Parking between the front Lot line and the front Building facade shall be limited to visitors and Building executives. For additional requirements, see also § 210-120

#### § 210-72      **YARD REQUIREMENTS FOR ACCESSORY STRUCTURES**

- A.      Location:
  - 1.      Front Yard.....not permitted
  - 2.      Side Yard:
    - a) Adjoining residential district.....25'
    - b) Adjoining nonresidential district.....15'
  - 3.      Rear Yard:
    - a) Adjoining residential district.....25'
    - b) Adjoining nonresidential district.....15'
- B.      Maximum height.....15'

**§ 210-73**

**OUTSIDE STORAGE**

- A. Liquid materials other than potable and non-potable water shall be stored in Pennsylvania Department of Environmental Protection (PADEP) permitted underground storage tanks or in above ground storage tanks not exceeding twenty (20) feet in height. All storage tanks must be installed and operated in accordance with all Federal, State, and Local requirements. In addition:
  - 1. Tanks and containments shall be made of suitable materials compatible with the contents.
  - 2. Above ground storage tanks 55 gallons or larger located outdoors must have containment for 110 percent of the contents of the largest container within the containment and must have a roof or other system to ensure the containment is kept free of precipitation.
  - 3. Containment drains must be kept closed unless the containment is actively being drained of uncontaminated precipitation.
- B. All outside storage of materials shall be screened from view from any adjacent Public street or from beyond the edge of the Special Use District in accordance with § 210-73.C.
- C. Screening from adjacent residential properties - Developers of Special Use property adjacent to existing residentially developed property shall provide a screen along the rear property line and along the side property lines up to the point of intersection with the Front Yard Setback line. Required Screening shall take the form of a continuous hedge which, when mature, is at least six feet (6') high with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials, or a line of evergreen trees at least three feet (3') high when planted, that will grow together when mature, with a wood or metal fence at least six feet (6') high, at least fifty percent (50%) of the area of which shall be solid or opaque materials.

**§ 210-74**

**LANDSCAPING**

- A. A minimum of fifty percent (50%) of the Front Yard area is to be landscaped with lawn or other appropriate planting materials such as trees and shrubs.
- B. Side and Rear Yards are to be landscaped with grass or the appropriate plantings. Required buffer plantings may be included as required landscaping.
- C. All slopes are to be entirely covered by grass or ground cover.
- D. Landscaping may take the form of grassed areas, low trees, flower beds, mulching materials, boulders or other pre-approved man-made features.
- E. All landscaping shall be maintained by the property owner.
- F. All areas of any Special Use property not covered by Buildings or paved shall be planted in grass or other ground cover. Landscaping shall be maintained so that plant maturity occurs within a three (3) year period.
- G. For every one thousand (1,000) square feet of Commercial Building footprint an additional tree of two and one-half inch (2 ½") Caliper shall be provided.



- H. If adequate room for required trees is not feasible an alternative option may be discussed with the Planning Commission and recommendations made to the Board of Supervisors.
- I. One (1) shade tree of a minimum of two and one-half inch (2-1/2") Caliper shall be planted within any Parking Area per each ten (10) Parking Spaces.
- J. Trees may be planted within fifteen feet (15') from property line in Side Yards when Yard abuts another Building.

#### **§ 210-75 WASTE DISPOSAL**

- A. All refuse stored outside shall be kept in containers which are totally enclosed and screened from view from streets and adjoining properties.
- B. No burial of waste materials is permitted on site.

#### **§ 210-76 SIGNS**

See § 210-126

#### **§ 210-77 DEVELOPMENT STANDARDS**

In addition to the regulations established in this Section, all Uses in this district shall be required to address the requirements of § 210-153 of this Ordinance.

- A. No lighting on any special Use property shall produce a Glare upon adjacent properties. Lighting shall meet the provisions of this Ordinance.
- B. No noise, as measured along the boundary separating residential or Commercial districts or Uses from an Industrial District, shall exceed fifty (50) decibels, whether or not such noise is intermittent or steady. Noise may also be regulated by other Township regulations, the most restrictive shall govern.
- C. No waste material of any kind may be burned in the open air on any industrial property for heating or any other Use.
- D. In no case shall smoke emitted from any heating or manufacturing process exceed a Density equivalent to number two (2) on the Ringelmann type smoke detection chart.
- E. Manufacturing process producing dust and dirt shall be confined within a completely enclosed area.
- F. Dust, dirt, Gases, and odors shall be gathered within the Building housing the manufacturing process producing such by-products or within equipment designed for collecting or processing such products.
- G. Vibration from any operation within the Special Use District shall not be discernible outside the property in which the vibration producing equipment is located.
- H. Construction Materials – In the Special Use District, the architectural character should attempt to compliment the neighboring development. All exterior walls or Buildings are to be finished with face brick, synthetic stucco, including "dryvit", stone and/or architectural metal. Metal cladding of Warehouse Structures shall not exceed sixty percent (60%) of the total wall surface. Exterior

glass and metal enclosure (curtain) walls may be used for office portions of a Building. Concrete block or poured concrete wall treatments (when used in an architectural fashion) shall be subject to Planning Commission approval. If an addition is added to an existing Building that does not meet the construction materials standard the owner may choose to improve the front facade of the existing Building in lieu of the addition subject to Planning Commission approval.

- I. Waste Disposal - All refuse, if stored outside the Building, is to be kept in containers stacked in a purposeful, organized and safe manner, and shall be removed at least once a week, or as scheduled by the waste disposal company, and is to be totally enclosed and screened from view from streets and from adjoining properties. No burial of waste material is permitted on the site.
- J. Buildings shall be screened in accordance with § 210-153.A.3.(a).
- K. Site lighting shall be reduced to zero (0.0) foot-candle at the perimeter property line.
- L. For new development and/or redevelopment, street trees shall be provided along the entire length of the street Right-of-Way. Street trees shall be provided on both sides of any street which is within a development. Street trees shall be planted at fifty (50) foot intervals within ten (10) to fifteen (15) feet of the street Right-of-Way. Street trees shall be located to enable Utility maintenance, required sight distances and visibility of street and traffic Signs. Species selection and location of street trees shall take into account maturity height and width in regards to firetruck and snow removal equipment ingress and egress as well as sidewalk obstructions.

## **ARTICLE XVII**

### **P: PARK DISTRICT**

#### **§ 210-78      PRINCIPAL USES**

- A.      OpenSpace Uses, which include the retention of land in its natural state or the provision of such Uses which are compatible with the natural state and the natural environment, including but not limited to walking and hiking trails, nature trails and rehabilitating land to its natural state.
- B.      Facilities, Structures and Uses that are designed for park, outdoor recreation, educational and sport activities, welcome or information centers and park ranger stations.
- D.      Public forest and wildlife reservations.
- F.      Parking Areas.
- G.      Communication towers on governmental property for governmental Uses, Public safety and emergency services. Any Commercial Uses added to an established tower may be permitted.

#### **§ 210-79      ACCESSORY USES**

- A.      Accessory Uses on the same Lot with and customarily incidental to a Principal Use.
- B.      Fences for the protection of natural features, recreation related Uses, Public safety, and other similar Uses shall be permitted in compliance with § 210-116.
- C.      Signs - See § 210-126

#### **§ 210-80      CONDITIONAL USES**

No Conditional Uses are permitted.

#### **§ 210-81      LOT AND AREA REQUIREMENTS**

Per Township review

#### **§ 210-82      SUPPLEMENTAL REQUIREMENTS**

- A.      One tree of a minimum two and one-half inch (2 ½”) Caliper shall be planted per 5 Parking Spaces. Plantings shall be located within or immediately adjacent to the Parking Area.

#### **§ 210-83      OFF-STREET PARKING REQUIREMENTS**

See § 210-120

## **ARTICLE XVIII**

### **V: VILLAGE DISTRICT OVERLAY**

#### **§ 210-84 PRINCIPAL USES**

Land Uses - See § 210-12

#### **§ 210-85 ACCESSORY USES**

- A. Accessory Uses on the same Lot with and customarily incidental to a Principal Use.
- B. Signs - See § 210-126
- C. See § 210-12

#### **§ 210-86 CONDITIONAL USES**

Land Uses - See § 210-12

See § 210-162 for standards and criteria.

#### **§ 210-87 LOT AND AREA REQUIREMENTS**

A minimum of 25% of the Front Yard shall be landscaped.

#### **§ 210-88 SUPPLEMENTAL REQUIREMENTS**

- A. One tree of a minimum two and one-half inch (2 ½") Caliper shall be planted per 5 Parking Spaces. Plantings shall be located within or immediately adjacent to the Parking Area.
- B. The Board of Supervisors may adjust the required number of Parking Spaces by considering locally available Public and/or private parking or based on the parking needs of the proposed Use.
- C. If cost of construction exceeds 50% of the assessed value of the existing Structure the Developer shall install sidewalks, street shade trees, provisions for street lighting and additional paving width for parking in accordance with the Typical Village District Overlay Cross Section in the West Deer Township Construction Standards.
- D. All areas of any Village District property not covered by Buildings or paved shall be planted in grass or other ground cover. Landscaping shall be maintained so that plant maturity occurs within a three (3) year period.
- E. If adequate room for required trees is not feasible an alternative option may be discussed with the Planning Commission and recommendations made to the Board of Supervisors.
- F. Regulations of the base Zoning district remain applicable to properties within the Village District Overlay, unless provisions within this section differ from base Zoning, in which case provisions of this section supersede corresponding base Zoning district regulations.

**§ 210-89**

**OFF-STREET PARKING REQUIREMENTS**

See § 210-120

## **ARTICLE XIX**

### **BTP: Business and Technology Park Overlay**

#### **§ 210-90      PRINCIPAL USES**

As denoted on the Official West Deer Township Zoning Map

#### **§ 210-91      ACCESSORY USES**

- A. Accessory Uses on the same Lot with and customarily incidental to a Principal Use.
- B. Signs - See § 210-126
- C. See § 210-12

#### **§ 210-92      CONDITIONAL USES**

Also permitted as Conditional Use see § 210-12

#### **§ 210-93      LOT AND AREA REQUIREMENTS**

- A. The following Yard and area standards for individual Lots within the BTP shall be as measured from the wall of the Building or the end of the loading dock, whichever is closer to the property line:
- B. minimum Lot size: .....1 ½ acres
- C. minimum Lot Width: .....150'
- D. minimum Front Yard Setback:.....50'
- E. minimum Side Yard Setback:
  - 1. Adjoining residential Use or Zoning district.....50'
  - 2. Adjoining non-residential Use or Zoning district:.....20'
  - 3. Street side on corner Lot: .....50'
- F. minimum Rear Yard Setback: .....50'

#### **§ 210-94      OFF-STREET PARKING REQUIREMENTS**

See § 210-120

#### **§ 210-95      YARD REQUIREMENTS FOR ACCESSORY STRUCTURES**

- A. Location:
  - 1. Front Yard.....not permitted
  - 2. Side Yard:
    - a) Adjoining residential district.....25'
    - b) Adjoining nonresidential district.....15'
  - 3. Rear Yard:
    - a) Adjoining residential district.....25'
    - b) Adjoining nonresidential district.....15'

- B. Maximum height.....15'

**§ 210-96 LANDSCAPING**

In addition to the following provisions, see Development Standards § 210-153.

- A. A minimum of fifty percent (50%) of the Front Yard area is to be landscaped with lawn or other appropriate planting materials such as trees and shrubs.
- B. Side and Rear Yards are to be landscaped with grass or the appropriate plantings. Required buffer plantings may be included as required landscaping.
- C. All slopes are to be entirely covered by grass or ground cover.
- D. Landscaping may take the form of grassed areas, low trees, flower beds, mulching materials, boulders or other pre-approved man-made features.
- E. All landscaping shall be maintained by the property owner.
- F. All areas of any Business Technology Park property not covered by Buildings or paved shall be planted in grass or other ground cover. Landscaping shall be maintained so that plant maturity occurs within a three (3) year period.
- G. For every one thousand (1,000) square feet of Commercial Building footprint an additional tree of two and one-half inch (2 ½”) Caliper shall be provided.
- H. If adequate room for required trees is not feasible an alternative option may be discussed with the Planning Commission and recommendations made to the Board of Supervisors.

**§ 210-97 WASTE DISPOSAL**

- A. All refuse stored outside shall be kept in containers which are totally enclosed and screened from view from streets and adjoining properties.
- B. No burial of waste materials is permitted on site.

**§ 210-98 SIGNS**

See § 210-126

**§ 210-99 DEVELOPMENT STANDARDS**

In addition to the regulations established in this Section, all Uses in this district shall be required to address the requirements of § 210-153 of this Ordinance.

- A. No lighting on any special Use property shall produce a Glare upon adjacent properties. Lighting shall meet the provisions of this Ordinance.
- B. No noise, as measured along the boundary separating residential or Commercial districts or Uses from a Business Technology Park, shall exceed fifty (50) decibels, whether or not such noise is intermittent or steady.
- C. No waste material of any kind may be burned in the open air on any Business Technology property.

- D. In no case shall smoke emitted from any heating or manufacturing process exceed a Density equivalent to number two (2) on the Ringelmann type smoke detection chart.
- E. Manufacturing process producing dust and dirt shall be confined within a completely enclosed area.
- F. Dust, dirt, Gases, and odors shall be gathered within the Building housing the manufacturing process producing such by-products or within equipment designed for collecting or processing such products.
- G. Vibration from any operation within the Business Technology Park shall not be discernible outside the property in which the vibration producing equipment is located.
- H. Construction Materials – In the Business Technology Park Overlay all exterior walls or Buildings are to be finished with face brick, synthetic stucco, including “dryvit”, stone and architectural metal. Metal cladding of Warehouse type or research Structures shall not exceed sixty percent (60%) of the wall surface. Exterior glass and metal enclosure (curtain) walls may be used for office portions of a Building. Concrete block or poured concrete wall treatments (when used in an architectural fashion) shall be subject to Planning Commission approval.
- I. Waste Disposal - All refuse, if stored outside the Building, is to be kept in containers stacked in a neat and safe manner, and shall be removed at least once a week, or as scheduled by the waste disposal company, and is to be totally enclosed and screened from view from streets and from adjoining properties. No burial of waste material is permitted on the site.
- J. Site lighting shall be reduced to zero (0.0) foot-candle at the perimeter property line.
- K. For new development and/or redevelopment, street trees shall be provided along the entire length of the street Right-of-Way. Street trees shall be provided on both sides of any street which is within a development. Street trees shall be planted at fifty (50) foot intervals within ten (10) to fifteen (15) feet of the street Right-of-Way. Street trees shall be located to enable Utility maintenance, required sight distances and visibility of street and traffic Signs. Species selection of street trees shall take into account maturity height and width in regards to firetruck and snow removal equipment ingress and egress as well as sidewalk obstructions.
- L. Buildings shall be screened in accordance with § 210-153.A.7.

## **§ 210-100 SUPPLEMENTAL REQUIREMENTS**

- A. Building Height shall be regulated as follows:
  - 1. No Structure shall exceed five (5) stories above ground, or seventy-two feet (72') in height, whichever is less. Height shall be measured from the average ground finished elevation to top of parapet, except that all Structures on top of the roof, including cooling and water towers or stacks in connection with



- heating or ventilation, elevator equipment or satellite dishes situate on the roof, shall not be factored into the measurement.
2. Any Structure which exceeds two and one-half (2 ½) stories above ground, or thirty-five feet (35') in height, and adjoins a residential Use or Zoning district, shall be set back a minimum of one hundred feet (100') from all Lot lines.
- B. Impervious Surface Ratio – The maximum impervious surface coverage of the buildable area of a Lot shall be eighty percent (80%). Impervious surfaces shall include all principal and Accessory Structures and paved areas.
  - C. The maximum coverage of a Lot by all principal and Accessory Structures shall be sixty percent (60%).
  - D. Regulations of the base Zoning District remain applicable to properties within the Business and Technology Park Overlay, unless provisions within this section differ from base Zoning, in which case provisions of this section supersede corresponding base Zoning District regulations.

## **ARTICLE XX**

### **PLANNED RESIDENTIAL DEVELOPMENT**

#### **§ 210-101 PURPOSE**

Promote economical and efficient Use of land while providing a blend of housing types, limited Commercial, amenities and community facilities of high quality oriented to specific site and preservation of natural scenic qualities of open areas.

- A. Application - A Planned Residential Development (“PRD”) may be permitted as a Conditional Use in R-1, R-2 and R-3 zones only, subject to the standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures enumerated in this Article, as set forth herein. The provisions of this Ordinance shall not be applied to PRDs proposals accepted for review, except when specifically indicated by the provisions contained herein.
- B. Each PRD shall have a unitary site plan, a mixture of housing types (including but not limited to townhomes, single-family residences, Duplexes, Quadplexes, and garden apartments) and land Uses, usable Common Open Space, site-related circulation systems and preservation of significant natural features. The mixture of housing types may include different sizes, styles and varieties of one type of housing (e.g., multiple types of townhomes) or it may include a combination of different types of housing (e.g., single-family residences and garden apartments).

#### **§ 210-102 OWNERSHIP REQUIREMENTS**

- A. The minimum land area for a PRD shall be thirty (30) contiguous acres in the R-1 Zoning district, twenty (20) contiguous acres in the R-2 zoning district and ten (10) contiguous acres in the R-3 Zoning district. PRDs shall not be permitted in any other Zoning districts. Public easements or private roads shall not be construed as an interruption or division of a tract of land proposed for a PRD.
- B. Prior to the Pre-Application Conference, the Developer of a PRD shall provide evidence of a full ownership interest in the land, which for purposes of this ordinance shall be either legal title or an executed sales agreement evidencing equitable title in the subject property.
- C. A PRD shall be in single legal ownership at the time of approval of the Final Development Plan.

#### **§ 210-103 AVAILABILITY OF PUBLIC SERVICES AND ACCESS**

- A. Public sewage and water service shall be supplied to each Building or Structure to be Erected in a PRD.
- B. The Developer shall provide within a PRD a stormwater drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable stormwater run-off within the PRD and shall be so constructed as to conform with applicable statutes, ordinances, and regulations of the Commonwealth of Pennsylvania, Allegheny County and West Deer Township

including the Township's Subdivision and Land Development Ordinance and Stormwater Management Ordinance.

- C. The Developer must demonstrate to the satisfaction of the Planning Commission and the Board of Supervisors, that traffic circulation problems will not be created and that the proposed road system is adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD-generated traffic.

## **§ 210-104 REVIEW, PROCEDURES AND SUPPORTING DOCUMENTATION**

- A. The PRD provisions of this Ordinance shall be applied by the Planning Commission, staff and municipal consultants which shall review all applications on the basis of specified standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures. The Board of Supervisors shall conduct Public Hearings in accordance with the MPC and shall have final authority to approve, modify or disapprove a PRD.
- B. A Developer shall obtain required approvals for a PRD by following a four (4) step review process which shall consist of a Pre-Application Conference, a PRD Review, Public Hearings, and a Final Development Plan Review.

### **Step 1**

- (A) Mandatory Pre-Application Conference - Each Applicant shall confer with the Township's Zoning Office to schedule a Pre-Application Conference. It shall be the responsibility of the Township's Zoning Office to arrange a conference. The conference shall include members of the Zoning Office and Township Engineer and any other person as deemed appropriate by the Township. Items to be addressed at the pre-application conference shall include but not be limited to the following:

1. Location of the proposed PRD site;
2. Points of access and road names;
3. Public sewage and water services, other utilities and location of said services/utilities;
4. Topography of the proposed PRD site;
5. Conceptual stormwater management plan; and
6. Significant stands of trees, size and species.

### **Step 2**

- (B) PRD (Application for Tentative Approval) –Within one hundred and twenty (120) days following the Pre-Application Conference, four (4) copies of twenty-four by thirty-six inches (24" x 36"), seven (7) copies of eleven by seventeen inches (11" x 17") and a PDF on Flash Drive of a PRD shall be presented in sufficient detail to provide the Planning Commission with a substantive review of the proposed PRD. PDF when viewed at full size shall be legible and easily read. Such PRD shall constitute the Application for Tentative Approval. The appropriate fee must be paid at time of application, with said fee to be established by the Board of Supervisors by

Resolution. The following documentation shall be submitted in support of the Application:

1. Written Documents:
  - a) A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
  - b) A statement identifying the planning objective(s) to be achieved by the PRD through the particular approach proposed by the Developer. The statement shall include a detailed description of the proposed development.
  - c) Data indicating the following - total number and type of Dwelling Units, parcel size, proposed Lot Coverage of Buildings and Structures (in both square footage and percentage), approximate gross and net residential densities, total amount of Open Space (including a separate figure for Common Open Space and usable Open Space), economic feasibility studies or market analyses where reasonably necessary and other studies as may be required by the Planning Commission.
2. Location Map - This map shall clearly show the location and area of the tract proposed for development in relation to all lands, Buildings and Structures within five hundred feet (500') of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.
3. Site Plan and Supporting Maps - A site plan at a scale no smaller than one inch equals fifty feet (1" = 50') and any maps requested by the Planning Commission on a scale as required to show the major details of the proposed PRD, which site plan and maps shall also contain the following minimum information:
  - a) The existing and proposed site conditions including contours at minimum intervals of two feet (2'), watercourses, flood plains, forest cover, soils, and natural features.
  - b) Proposed Lot lines and subdivision plan, if any.
  - c) The location of all existing and proposed Buildings, Structures, and other improvements, including maximum heights, types of Dwelling Units and Density per type. Preliminary elevations and/or architectural renderings of typical Structures shall be provided. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements.
  - d) The location and size, in acres and square feet, of all areas to be conveyed, dedicated or reserved as Common Open Space.
  - e) The existing and proposed vehicular circulation system of collector and Local Streets or roads, including off-street Parking Areas, service areas, loading areas and major points of access to Public Rights-of-Way(including major points of ingress and egress to the development).

- f) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.
  - g) The existing and proposed utilities systems, including sanitary sewers, storm sewers, water, electric, Gas, cable T.V. and telephone lines.
  - h) The existing and proposed buffers.
  - i) Any additional information required by the Planning Commission as necessary for it to evaluate the impact of the proposed PRD and its compliance with the criteria in the Ordinance.
4. Projected Scheduling of Stages - In the case of development plans which call for development over a period of years, a schedule showing such stages shall be provided. This schedule shall be reviewed annually with the Planning Commission by the Developer on the anniversary of the tentative approval or as each stage of development is completed, whichever shall first occur.
  5. The Planning Commission will make a recommendation to the Board of Supervisors.
  6. The Board of Supervisors will set a date for the Public Hearing the Township will provide PUBLIC NOTICE per the MPC's requirements.

### **Step 3**

#### **(C) Public Hearings and Approval:**

1. Within sixty (60) days following receipt of a completed Application for Tentative Approval of a PRD, with required documentation as determined by the Zoning Officer, a Public Hearing pursuant to Public Notice on such Application shall be held by the Board of Supervisors. Said Public Hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first Public Hearing.
2. The Board of Supervisors may offer MEDIATION as an aid in completing proceedings authorized by this Article.
3. The Board within sixty (60) days following the conclusion of the Public Hearing or within 180 days after the date of filing the application, whichever occurs first. Official written communication to the Developer, shall be either:
  - a) Grant tentative approval of the PRD as submitted;
  - b) Grant tentative approval of the PRD subject to specified conditions not included in the Preliminary Development Plan as submitted; or
  - c) Deny tentative approval.

- d) Failure to so act within such period of time shall be deemed to be a grant of tentative approval of the PRD as submitted. In the event, however, that the tentative approval of the PRD is granted subject to specified conditions, the Developer may within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors notify such Board of his refusal to accept all such conditions, in which event tentative approval of the PRD is deemed to be denied. In the event the Developer does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the PRD, with all said conditions, shall stand as granted.
- e) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial of the application. Said communication shall set forth specifically in what respects the development plan would, or would not be, in the Public interest, including, but not limited to, findings of fact and conclusions on the following:
  - 1) In those respects in which the development is or is not consistent with the Indiana-West Deer Township Joint Comprehensive Plan for the development of the Township;
  - 2) The extent to which the development plan departs from Zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to Density, bulk and use, and the reasons why such departures are or are not deemed to be in the Public interest;
  - 3) The purpose, location and amount of the Common Open Space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the Common Open Space, and the adequacy or inadequacy of the amount and purpose of the Common Open Space as related to the proposed Density and type of residential development;
  - 4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for Public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
  - 5) The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and
  - 6) In the case of a development plan which proposes development over a period of years, the sufficiency of the

terms and conditions intended to protect the interests of the Public and of the residents of the Planned Residential Development in the integrity of the development plan.

- f) In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

(D) Criteria for Tentative Approval - The Board of Supervisors may grant tentative approval to a Preliminary Development Plan, if and only if, it is found to meet the following criteria:

1. The proposed PRD complies with all standards (§ 210-13), restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this Ordinance, preserves the Community Development Objectives of this Ordinance and complies with all relevant county and state regulations.
2. Where the proposed Preliminary Development Plan provides standards varying from those in this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure is in the Public interest and promotes the conservation of the environment, health, safety and general welfare of the Public.
3. The proposals for the maintenance and conservation of any proposed Common Open Space are reliable and meet the standards of this Ordinance, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, Use and type of residential development proposed.
4. The physical design of the proposed PRD adequately provides for Public services, traffic facilities and parking, light, air, recreation and visual enjoyment.
5. The total environment of the proposed PRD, including Lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood in which it is located.
6. The proposed PRD will afford adequate protection of natural water courses, topsoil, trees, and other features of the natural environment and will prevent erosion, landslides, siltation and flooding.

7. In the case of a PRD which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the Public and of the residents of the PRD in the integrity of the Final Development Plan.
  8. The grant or denial of tentative approval shall include findings of fact relating to the proposed PRD as submitted for approval and reasons for such decisions shall be set forth with particularity, including but not limited to whether the proposed PRD would or would not be in the Public interest with respect to each of the above criteria.
- (E) In the event that a PRD is given tentative approval, and thereafter, but prior to final approval, the landowner shall elect to abandon said PRD and shall so notify the Board of Supervisors, in writing; or, in the event the landowner shall fail to file application or applications for final approval within the required period of time, or times, as the case may be, the tentative approval shall be deemed revoked. All that portion of the area included in the development plan for which approval has been revoked, shall be subject to all Township ordinances otherwise applicable, in effect at that time, and the same shall be noted on the Zoning Map and in the records of the Township Zoning Office.

#### **Step 4**

- (F) Final Development Plan (Application for Final Approval) - After the PRD is tentatively approved by the Board of Supervisors, the Developer shall thereafter present four (4) copies of twenty-four by thirty-six inches (24"x36"), seven (7) copies of eleven by seventeen inches (11"x17") and a digital PDF copy of the Final Development Plan to the Planning Commission, which shall consist of detailed plans for any part or section of the land for which he/she desired final approval, which Final Development Plan shall constitute the Application for Final Approval. PDF when viewed at full size shall be legible and easily read. No Building permit shall be issued until after final approval by the Board of Supervisors of the detailed plans for the part or section in which the proposed development is located. Final approval of any detailed plans shall lapse unless construction is started in that part or section within one (1) year after such approval.
1. In the event the Application for Final Approval has been filed, together with all drawings, specifications and other written communication of tentative approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant such Final Development Plan final approval.
  2. Changes in the location and siting of Building Structures deemed to not impact grading, Lot access, adjacent right-of-way safety, height, or other bulk regulations by the Board of Supervisors may be authorized by it without additional Hearings, if required by engineering or other circumstances not foreseen at the time the PRD was tentatively approved. However, gross and net Density established by the tentatively approved Preliminary Plan shall not change.



3. The Final Development Plan shall include:
  - a) All data required for final plan as specified in the Township's Subdivision and Land Development Ordinance.
  - b) Accurately dimensioned locations of all proposed Buildings, Structures, Parking Areas and Common Open Space.
  - c) The number of families to be housed in each Building or Structure and intended Use of each Building or Structure.
  - d) A statement indicating those Units or Buildings which will be retained by the Developer, his heirs or assigns for Use as rental properties.
  - e) The Landscape Development Plan, including the location and types of materials of sidewalks, trails, recreation facilities as permitted by this Ordinance.
    - 1) A general landscape plan indicating the treatment and material used for active and passive Open Space.
    - 2) The proposed landscaping treatment of the perimeter of the PRD.
    - 3) The proposed landscaping treatment of each Building Lot within the development.
  - f) Supplementary data to include any covenants, grant of easements or other restrictions to be imposed on the Use of land, Buildings and Structures and provisions for the maintenance, ownership and operation of Common Open Space facilities.
  - g) An engineering report which shall include the following data wherever pertinent as determined by the Township Engineer.
    - 1) Profiles, cross sections and specifications for proposed highway, street or road improvements.
    - 2) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewer systems.
    - 3) Feasibility report of the proposed sanitary sewer system in terms of capacity to serve the proposed development.
  - h) An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation, including but not limited to the following:
    - 1) The topographic features of the site area;
    - 2) The types depth, slope and extent of the soils by area;
    - 3) The proposed Alteration to the site area;

- 4) The amount of runoff from the site area and the upstream watershed area;
  - 5) The staging of earthmoving activities;
  - 6) Temporary control measures and facilities of Use during earthmoving.
  - 7) Permanent control measures and facilities for long-term protection.
  - 8) A maintenance program for the control facilities including disposal of materials removed from the control facilities or site area.
  - i) Sub-surface conditions, including data on slope stability and past or possible future mining activity and operations for Oil and Gas.
  - j) A minimum of three (3) sections showing existing and proposed contours and their relationship to proposed Buildings, Structures, highways, streets, roads, Parking Areas and walkways and to existing woodlands.
  - k) Location and type of temporary construction or sales office and equipment Parking Areas.
  - l) Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PRD.
4. The Planning Commission will make a recommendation to the Board of Supervisors.
  5. Should the Final Development Plan as submitted contain variations from the PRD given tentative approval, the Board of Supervisors may refuse to grant final approval and shall hold a Public Hearing for comment on the application as revised within forty-five (45) days from filing of the Application for Final Approval and shall so advise the Developer in writing of such refusal. In the event of such refusal, the Developer may either:
    - a) Refile his Application for Final Approval without the variations objected to, in which case the Board of Supervisors shall, within thirty (30) days of such refiling, grant such Final Development Plan final approval; or
    - b) File a written request with the Board of Supervisors for a Public Hearing on the refused Application for Final Approval. Any such Public Hearing shall be held pursuant to Public Notice, within thirty (30) days after request for the Hearing is made by the landowner. Within thirty (30) days after the conclusion of the Hearing, the Board of Supervisors shall, by official written communication, either grant final approval to the development plan, or deny final approval.

- c) In the event the Developer shall fail to take either of the alternate actions set forth in (a) or (b) above within thirty (30) days from such written refusal, he or it shall be deemed to have abandoned the Final Development Plan.
- 6. The Final Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be recorded forthwith by the Developer in the office of the Recorder of Deeds of Allegheny County before any development shall take place.
- 7. If any changes are made to the Final Development Plan as a result of final approval the Developer shall supply two (2) revised copies twenty-four by thirty-six inches (24"x36") and a digital PDF file of the revised plan. PDF when viewed at full size is legible and easily read.
- 8. If the sequence of construction of various portions of the Development is to occur in stages, then the Common Open Space and/or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of Dwelling Units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the Development shall the number of constructed Dwelling Units per acre of developed land exceed the overall Density per acre established by the approved Final Development Plan.

#### **§ 210-105 ABANDONMENT OF DEVELOPMENT**

In the event that a development plan, or a section thereof, is given final approval and thereafter, the landowner shall abandon such plan, or the section thereof that has been finally approved and shall so notify the Board of Supervisors in writing; or, in the event the landowner shall fail to commence and carry out the PRD within twelve(12) months after final approval has been granted, no development, or further development, shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Zoning Ordinance of West Deer Township, as amended.

#### **§ 210-106 STANDARDS AND REQUIREMENTS**

- A. Density - The Board of Supervisors reserves the right to reduce the maximum permitted Density in any part of the proposed PRD where it determines that:
  - 1. The average grade of any part of the land area, prior to development, is twenty-five percent (25%) or greater unless the Applicant submits a geotechnical report indicating suitable soil and compaction and with the approval of the Planning Commission; or
  - 2. There is unsafe or inadequate vehicular access to the proposed development; or
  - 3. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; or

4. There is another unsafe condition created by any part of the Developer's proposed Density level.
5. The PRD Density shall not exceed 110% of Lot totals if the development met conventional subdivision standards in R-1, R-2 and R-3 Zoning districts. The Planning Commission or Board of Supervisors may require a conceptual development plan that meets the requirements of a conventional subdivision for clarity on number of Lots allowed. The conceptual plan shall include contours, existing and proposed Lot layout, roads, storm water facilities, and natural waterways.
6. In a phased development the Density shall be accounted for per completed phase. In no instance shall the Density (Dwelling Units per acre) exceed the allowable Density of the completed portion of the development.

B. Lot and Building or Structure Requirements

1. Lot Size - Every Dwelling Unit shall have access to a common street, road, court, walk or other area available for Use. No Dwelling Units or group of Dwelling Units shall be Erected within 50 feet in the R-1 Zoning district, 30 feet in the R-2 Zoning district, and 20 feet in the R-3 Zoning district from any other Dwelling Unit or group of Dwelling units.
2. Buffer - There shall be a buffer Yard of at least thirty-five feet (35') along the entire perimeter of each PRD tract in the R-3 zone, within which no construction or disturbance of existing vegetation shall be permitted unless it is to provide more Screening for the development's neighboring properties. Similarly, the buffer Yard along the entire perimeter of each PRD tract in zone R-2 shall be at least fifty feet (50') and in zone R-1 shall be at least seventy-five feet (75').
3. Front Yards shall be at least twenty-five feet (25') for all PRD Lots in R-2 and R-3 Zoning districts, and thirty-five feet (35') for all PRD Lots in R-1 Zoning districts.
4. No more than eight (8) multi-units (2 quad units) can access a private driveway. Driveway must be a minimum of eighteen (18) feet wide.
5. Length - There shall be no continuous Building or Structure of Townhouses containing more than five (5) Dwelling Units.
6. All Buildings and Structures on the perimeter of the development must be well-screened in a manner approved by the Township. Such Screening shall be reflected in the general landscape plan.
7. Location of Buildings or Structures - The proposed location and arrangement of Buildings or Structures shall be such that sunlight or air from the direction of adjacent Buildings or Structures within the development site area or from existing Buildings or Structures located adjacent to the proposed development, are not obstructed. Fire and emergency vehicle access to front, rear or sides of Buildings must be adequate to ensure safety as determined by the Fire Chief and such access cannot be blocked by Structures. Building facades shall vary so as to not create a continuous plane among Attached Dwellings.

C. Common Open Space

1. Area Limitation - Within a PRD the following percentages of the total gross land area shall be devoted to specified Use as indicated herein;
  - a) A minimum percentage of 30% of the total site area shall be designated as permanent Common Open Space, not to be further subdivided and protected by a permanent conservation easement.
  - b) Common Open Space does not include street right-of-way, slopes greater than twenty-five percent (25%), overhead power line easements, Utility and communication towers, Parking Areas, Buildings, indoor recreation or meeting facilities or storm water facilities.
  - c) Common Open Space shall only include areas outside of deeded residential Lots and areas beyond fifty feet (50') of any residential Structure.
  - d) Twenty-five percent (25%) of Common Open Space must be left untouched by development or grading.
  - e) No space under a 20,000 sq.ft. tract shall count towards Open Space requirements.
  - f) Buffer Yards, denoted in Section § 210-106.B.2., shall be permitted of either maintained existing ground cover or provided plantings as required by the Township. The goal of buffer Yards is to provide Screening for the development's neighboring properties.
  - g) Open Space shall be deeded to a Homeowners' Association, the Township (if approved by the Township), or conservation organization and shall be restricted permanently for Open Space Use only.
  - h) Common Open Space shall be accessible by a Public street or adjoin an existing Open Space that is accessible to a Public street.
  - i) At least 25% of Open Space is required to be located on buildable land which is suitable for active recreation, but only half of this portion may actually be utilized for active recreation. The rest is to be left natural for passive recreation and wildlife habitat.
  - j) Any area between the residential Units and their access road, shall not be considered Open Space.
  - k) The Open Space shall be free of all Structures, except those related to outdoor recreational Use and required visible permanent monuments at each point of direction change along all borders.
  - l) Whenever possible, Open Space should be designed to include a variety of wildlife habitats and terrains, such as wetlands and stream, open meadows and woodlands.
  - m) The existing wooded areas or other natural cover shall be retained in the Open Space when feasible. If this is not feasible in the area being used for active recreation, then a suitable landscaping plan which is

consistent with the purposes of this section may be required by the Township.

- n) The development shall include at least two pedestrian rights-of-way, connecting the Open Space to the streets, being clearly marked on both the plan and the site. These rights-of-way should be at least 15 feet in width and shall be for pedestrians or non-motorized vehicles only. The rights-of-way shall be clear of all obstructions for pedestrian travel. It shall be the responsibility of the Developer to install permanent markers on the site which will clearly identify the pedestrian accesses for these rights-of-way. When the Open Space is to be used by the general public, a small Parking Area for a minimum of four cars shall be provided in proximity to at least one of the pedestrian access points.
  - o) In a phased development, all Open Space requirements in that phase must be completed before the start of the next phase.
- 2. Protection of Common Open Space - Common Open Space shall be protected by covenants approved by the Township Solicitor and running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area and communally owned facilities. No such instrument shall be acceptable until approved by the Board of Supervisors following review by the Township Solicitor as to legal form and effect. In cases where West Deer Township will not be accepting dedications of alleys, recreation area or Common Open Space, the Developer shall provide for an organization, or Homeowner's association, for ownership and maintenance thereof.
  - 3. Common Open Space Maintenance - In the event that the organization established to own and maintain Common Open Space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the Common Open Space, including all alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Township may take remedial action toward the identified organization or homeowner's association to cause the Common Open Space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended. Any costs incurred by the Township shall be charged to the organization or homeowner's association as applicable and/or shall serve as a lien on property where authorized by law.
  - 4. Homeowners' Association documents shall be provided for the Township solicitor's review and approval prior to final approval by the Board of Supervisors.

D. Uses

1. Land and Buildings in a Planned Residential Development may be used for the following purposes:
  - a) Principal Uses
    - 1) Single Family Dwellings.
    - 2) Duplexes. Restricted to only R-2 and R-3 Zoning districts.
    - 3) Quadplexes. Restricted to only R-2 and R-3 Zoning districts.
    - 4) Townhouses. Restricted to only R-2 and R-3 Zoning districts.
    - 5) Apartments. Restricted to only R-3 Zoning district.
  - b) Accessory Uses
    - 1) Recreation facilities which are for the use of residents of the development and which shall only include hiking, walking or bicycle trails, tennis, paddle tennis, basketball and volleyball courts, pickleball, putting greens, swimming pool and related facilities; and such additional recreational Uses as deemed appropriate by the Township.
    - 2) Common meeting Building(s), clubhouse(s), gazebo(s), and pavilion(s).
    - 3) Parking Areas for Accessory Uses.

E. Parking - Parking shall be provided as follows:

1. There shall be a minimum of one twenty-two foot (22') wide garage attached to each Dwelling Unit, excluding Apartment Units. Such space shall be situated under cover.
2. Single-Family Detached Units shall have a minimum of four (4) Parking Spaces provided. Two (2) Parking Spaces shall be provided in integral, attached or detached garages. The remaining two (2) spaces shall be provided as driveway parking.
3. Single-Family Attached Units shall provide a minimum of four (4) Parking Spaces. Two (2) parking spaces shall be provided in integral, attached or detached garages. The remaining two (2) spaces shall be provided as driveway parking.
4. Townhome Units shall provide a minimum of four (4) Parking Spaces. Two (2) Parking Spaces shall be provided in integral, attached or detached garages. The remaining two (2) spaces shall be provided as driveway parking. One (1) visitor Parking Space shall be provided per Unit Dwelling within two hundred feet (200') of Building perimeter.
5. Apartment Units shall provide a minimum of two (2) Parking Spaces per Dwelling Unit. One and a half (1.5) spaces to be provided at Building and a half (.5) space to be provided within one hundred feet (100') of Building perimeter.

6. Visitor Parking Areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than ten (10) vehicles shall be interrupted with a landscaped island. Islands shall be landscaped and provide a minimum of a tree or bush. Choice of trees and or bushes shall be based on maturity size/height, salt tolerance, deer resistance and species hardiness in regards to local climate. Five percent (5%) of interior Parking Area shall be landscaped when Parking Spaces exceed 10 spaces.
7. Visitor parking shall not be connected to the roadway and must be screened and/or landscaped on all sides not used for access, exclusive of the side abutting the roadway.

F. Circulation:

1. Vehicular access within the PRD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic at intersections.
2. A pedestrian circulation or walkway system shall be established where stipulated by the Township and that system shall be reasonably segregated from vehicular traffic.
3. Streets and roads in a PRD should be designed and built to Township specifications and dedicated to Public Use but may be retained under private ownership. Any such dedication is not binding on the Township unless and until it is accepted by the enactment of an ordinance to that effect, which shall be at the Board's discretion.

G. Land Development Standards:

1. Land Development associated with all approved Planned Residential Developments shall comply with the following sections and/or subsections of Article VI Public Improvements and Design Standards of the Township's Subdivision and Land Development Ordinance:
  - a) Section 24 General Standards - Subsections D, E and F
  - b) Section 25 Lots - Subsection A
  - c) Section 26 General Street Design Requirements - Subsections A through F and H through R
  - d) Section 27 Street Design Standards - Subsections A, B, C and E
  - e) Section 29 Street Signs and Lighting - All Subsections
  - f) Section 30 Water Supply - All Subsections
  - g) Section 31 Sanitary Sewage - All Subsections
  - h) Section 32 Stormwater Drainage - All Subsections
2. All other sections of the Township's Subdivision and Land Development Ordinance shall not apply to Planned Residential Developments.



**§ 210-107 SURETY AND IMPROVEMENTS**

- A. The Board of Supervisors shall request an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Board of Supervisors following review by the Township Solicitor, to be furnished and filed with the Township Secretary. An escrow agreement and account approved by the Board of Supervisors as to form and content shall be required in the amount of one hundred and ten percent (110%) of the estimated construction costs and engineering for each stage of development. All estimates of cost to be approved by the Township Engineer. Such escrow amount shall accompany the request for final approval of the Final Development Plan to insure completion of all Public and private site improvements, streets, roads, Parking Areas, sewers, utilities, recreation facilities, stormwater management facilities, landscaping, plantings and Screening.
- B. Before any grading or Building permit may be issued in regard to the PRD, all agreements, contracts, deed restrictions, other instruments and sureties shall be in a form acceptable to the Township.

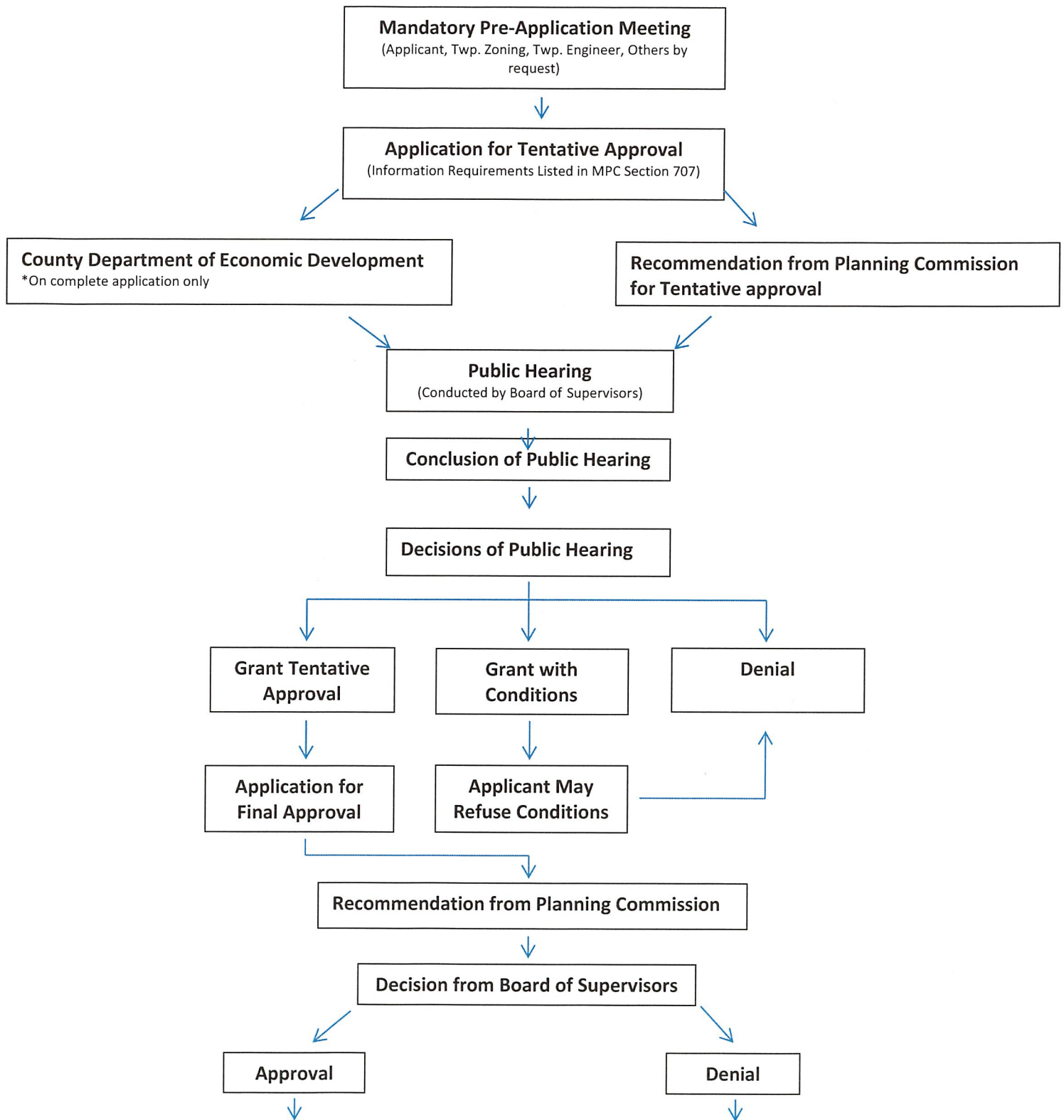
**§ 210-108 FEES**

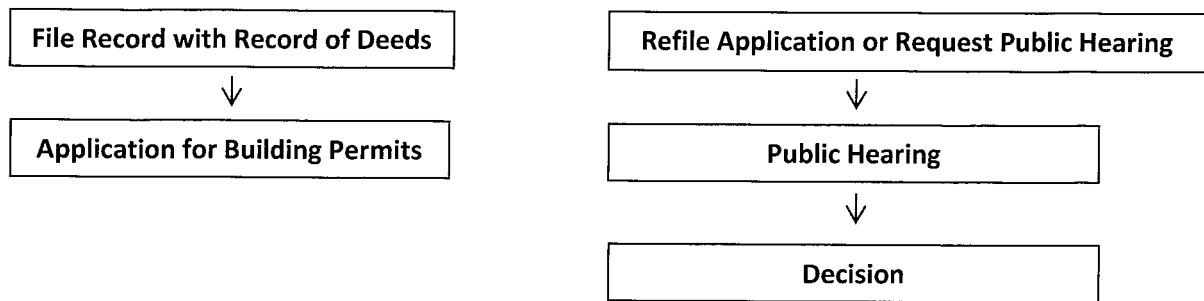
- A. At the time of application for Tentative Approval and/or Final Approval of a PRD or a phase or section thereof, a fee established by the Board of Supervisors for review shall be payable to the Township.
- B. In addition, all applicable Building permit fees, parks and recreation fees, and impact fees adopted by the Township from time to time shall apply and be paid prior to the issuance of each Building permit per Unit. The Developer shall also place into escrow sufficient funds as determined at the time of Final Approval Application, to provide for necessary Township contracted services including, but not limited to, engineering, legal costs, advertising and stenographic services.

**§ 210-109 MODIFICATIONS**

- A. A modification request shall be required for any aspects in which the proposed PRD departs from Zoning and/or Land Development requirements otherwise applicable to the subject Lot, including, but not limited to, Density, bulk and Use. In the event that the application proposes a plan, the approval of which would require a modification from the requirements of this chapter or the most current Subdivision and Land Development standards applicable to this Article, the Applicant shall include in its application a narrative statement of each and every modification request, including a citation to the otherwise applicable ordinance requirement; the nature and extent of the modification(s) requested; and statement of the reasons why such departures are deemed to be in the public interest. Subsequent to a recommendation by the Planning Commission, the Board of Supervisors may at its sole discretion grant or deny such modification requests, in whole or in part, as part of any decision approving the PRD application.

## § 210-110 PRD Flow Chart





## **ARTICLE XXI**

### **SUPPLEMENTAL REGULATIONS**

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplemental regulations.

#### **§ 210-111 BUILDING SETBACKS**

Where one or more preexisting Structures are located on adjacent Lots within one hundred and fifty feet (150') in either direction of proposed Structure, the Setback of the proposed Structure may conform to the average Setback of the preexisting Structures.

#### **§ 210-112 CAMPING AND RECREATIONAL EQUIPMENT**

Any owner of camping and recreational equipment may park or store such equipment subject to the following conditions.

- A. Camping and recreational equipment shall only be used for recreational purposes. At no time shall such camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes as a permanent or semi-permanent residence or living space.
- B. If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front Building Line of the Lot.
- C. Camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes.

#### **§ 210-113 CELLAR DWELLINGS**

- A. No living quarters shall be placed in a cellar Dwelling or garage or in any other room or space having less than seven feet (7') of ceiling clearance above the original ground level before excavation as measured from the front to the rear of the Structure, with the exception of those homes which are designed to be constructed below ground level.

**§ 210-114            STRUCTURES ON SMALL LOTS**

- A.        Notwithstanding the limitations imposed by any other provisions of this Ordinance, the Zoning Officer may permit erection of a Principal Use on any Lot with an area or a width smaller than that required for a Principal Use. In no case shall any Principal Use be permitted within the minimum Building Setback lines of a Lot permitted in any district.

**§ 210-115            ESSENTIAL SERVICES**

- A.        Essential services as defined in this Ordinance shall be permitted in all Districts, subject to restrictions approved by the Board of Supervisors based on the recommendation of the Planning Commission with respect to Use, design, Yard area, Setback and height.

**§ 210-116            FENCES OR HEDGES**

- A.        No fence, hedge or wall in any residential district shall exceed three feet (3') in height in any Front Yard. Fences, hedges, or other plantings, Structures, or walls shall not be located at street corners so as to interfere with vision clearance across the corner Lots. The height of such objects is restricted to two and one half feet (2 1/2') within in the sight triangle (area formed by extending thirty foot (30') lines along centerlines of two (2) streets from their intersection and joining their termini to form a triangular shape).
- B.        Barbed wire and/or electrified fences are not permitted in residential districts, with the exception of:
1.        Those Lots qualifying, as specified in this Ordinance, to maintain horses or ponies, or
  2.        Uses qualifying, as specified in this Ordinance, as agricultural Uses or Animal Husbandry.
- C.        Chain link, split rail or similar fences used for containment cannot exceed a maximum height of four feet (4') in the Front Yard and six feet (6') in all other Yards.
- D.        Fences must be located on a single property as compared to being located on a property line, and the fences must be maintained by the owner. All fences must be able to be maintained from the owner's property without the use of specialized equipment such as a bucket truck. The requirement for maintaining a fence shall be twenty-four (24) inches on exterior side of fence unless it is a fence that can be fully maintained, painted, or repaired from the inside of the fence. The requirement for fences maintained from inside of property shall be six (6) inches and post holes shall not cross the property line.
- E.        A Building/Zoning Permit must be obtained from the Zoning Officer before any type of fence is Erected.
- F        Fences shall be defined to include a front and back face. The finished side of the fence shall be considered the front face and the front face shall be oriented toward the exterior of a Lot so that a maximum of eighty percent (80%) of each

structural member of the fence unless a split rail fence, shall be visible from an adjacent Lot.

- G. All hedges, fences, landscaping, or retaining walls must be maintained in such a way to not interfere with the sight line of any vehicular traffic that is intended for common Use.
- H. All fences, retaining walls, or similar Structures shall be kept in good repair and safe condition determined by Building Code Official or certified structural engineer.

#### **§ 210-117 HEIGHT MEASUREMENTS**

Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the Structure to:

- A. In case of flat roof Structures - highest point of coping.
- B. In case of mansard roof Structures - deck line of roof.
- C. In case of gable or hipped roof - average height of roof. (A habitable attic shall be counted as a story).

#### **§ 210-118 HEIGHT EXCEPTIONS**

- A. The height limitations of this Ordinance shall not apply to flag poles, church spires, belfries, domes or similar projections not used for human occupancy or to chimneys, ventilations, sky lights, water tanks, agricultural barns, Public Utility facilities, bulkheads, silos, antenna and other necessary mechanical and operational apparatus usually carried above the roof level.

#### **§ 210-119 LOT AREA MEASUREMENT**

- A. For purposes of measuring Lot Area on exceptionally deep Lots, only that part of the depth which is less than six (6) times the average width of the Lot may be utilized in calculations.

#### **§ 210-120 OFF-STREET PARKING AND LOADING REQUIREMENTS**

- A. Off-street parking requirements:
  - 1. All Buildings and Structures Erected and all Uses of land established after the adoption of this Ordinance shall be provided with off-street Parking Spaces as set forth in this Section. All driveways, off-street parking and loading shall have a dust-free surface approved by the Township.
  - 2. The provisions of this Section, except where there is a change of Use, shall not apply to any existing Building or Structure existing at the time of adoption of this Ordinance.
  - 3. Whenever a Building or Structure constructed before the Effective Date of this Ordinance is changed or enlarged, in floor area, number of employees, number of housing Units, seating capacity, or otherwise to create a need for an increase in the number of Parking Spaces, additional Parking Spaces shall be provided on the basis of the enlargement or change. If a Building or Structure existing prior to the Effective Date of this Ordinance is enlarged to the extent of fifty percent

(50%) or more in floor area or number of housing Units, shall then and thereafter comply with the full parking requirements set forth herein.

4. Off-street parking facilities in existence on the Effective Date of this Ordinance and located on the same Lot as the Building or Use served shall not hereafter be reduced below the requirements for a similar new Building or Use under the provisions of this Ordinance.
5. The following regulations shall govern the location of off-street Parking Spaces and areas:
  - a) Parking Spaces for all detached residential Uses shall be located on the same Lot as the Use which they are intended to serve. Each required off-street Parking Space shall have direct access to a Public or private Right-of-Way.
  - b) Parking Spaces for Apartments, dormitories, or similar residential Uses shall be located not more than three hundred feet (300') from the Principal Use.
  - c) No Parking Space shall be located in any manner on a Public road Right-of-Way.
  - d) A Parking Space shall have minimum rectangular dimensions of not less than nine feet (9') in width and twenty feet (20') in length, exclusive of driveways, aisles, and other circulating areas.
  - e) Driveways and traffic aisles serving individual Parking Spaces shall be not less than twenty-five feet (25') wide for ninety degree (90°) parking, twelve feet (12') wide for parallel parking, seventeen and one half feet (17 1/2') for sixty degree (60°) parking, and thirteen feet (13') for forty-five degree (45°) parking. If Parking Spaces are indicated by lines with angles other than ninety degrees (90°), then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet (10') in width.
  - f) The required off-street Parking Spaces for any number of separate Buildings, Structures or Uses may be provided collectively on one (1) Lot provided the total number of such spaces shall not be less than the sum of the requirements for the various individual Buildings, Structures or Uses computed separately in accordance with this Section.
  - g) When two (2) or more USES are located within the same Building or Structure, off-street Parking Space equal in number to the sum of the separate requirements for each Use shall be provided.
  - h) All off-street Parking Areas required by this Ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales servicing, or continuous storage of a vehicles for more than seventy-two (72) hours.
  - i) For the purpose of this Ordinance the following Parking Space requirements shall apply. For those Uses not specified, the West Deer Township Planning Commission shall have reasonable discretion to recommend to the Board the necessary parking requirements in keeping with the general purpose of this Ordinance.

- j) Handicapped parking shall be provided in accordance with the requirements of American with Disabilities Act.

**Parking Space Requirements per Use Class**

<b>A</b>	<b>RESIDENTIAL USES</b>	<b>MINIMUM REQUIREMENTS</b>
1	Apartment	1.5 spaces/Dwelling Unit and 0.5 visitor spaces/ Dwelling Unit within 300 ft. of each Dwelling Unit
2	Boarding House	1 space/3 beds and 1 space/employee on peak shift
3	Duplex	2 spaces/ Dwelling Unit
4	Mobile Home Park	2 spaces/ Dwelling Unit and 0.5 visitor space
5	Nursing/Convalescent Care Facility	1 space/3 beds and 1 space/employee on peak shift
6	Planned Residential Development (PRD)	See PRD Section
7	Quadplex	2 spaces/ Dwelling Unit exclusive of garage and 0.5 visitor spaces/ Dwelling Unit within 300 ft. of each Dwelling Unit
8	Single-Family Attached Dwelling	2 spaces/ Dwelling Unit exclusive of garage
9	Single-Family Detached Dwelling	2 spaces/ Dwelling Unit exclusive of garage
10	Townhouse	2 spaces/ Dwelling Unit and 0.5 visitor spaces/ Dwelling Unit within 300 ft. of each Dwelling Unit

<b>B</b>	<b>NON-RESIDENTIAL USES</b>	<b>MINIMUM REQUIREMENTS</b>
1	Accessory Structures/Uses	N/A
2	Adult-Oriented Establishment	1 space/100 sf
3	Agriculture	N/A
4	Airport	For Township review and approval
5	Animal Husbandry	N/A
6	Assembly or Fabrication Facility	1 space/employee on peak shift and 1 space per company vehicle
7	Automobile Sales/Service	For Township review and approval
8	Automotive Rental	For Township review and approval
9	Bakery	1 space/200 sf of Gross Floor Area
10	Bed and Breakfast	1 space/guest room and 1 space/permanent resident

11	Billboard	For Township review and approval
12	Bowling Alley	2 spaces/lane
13	Business Technology Park	For Township review and approval
14	Business Services	1 space/250 sf of Gross Floor Area
<b>B</b>	<b>NON-RESIDENTIAL USES</b>	<b>MINIMUM REQUIREMENTS</b>
15	Campground	1 space per 1 sleeping sites
16	Car Wash	3 stacking spaces/wash bay
17	Cemetery	1 space/500 sf of Gross Floor Area of office/admin/ chapel/mausoleum/viewing room space and 1 space/ employee on peak shift
18	Cinema	1 space/3 theater seats
19	Communication Antenna	N/A
20	Communications Tower	1 space
21	Conference and Training Center	For Township review and approval
22	Contractor's Yard	For Township review and approval
23	Convenience Store, Neighborhood	1 space/200 sf. of Gross Floor Area and 1 space/ employee (does not include vehicle refueling positions)
24	Convenience Store with Gasoline	1 space/500 sf above the first 2,000 sf.
25	Country Club/Golf Course	6 spaces/hole and 1 space/employee on peak shift
26	Day Care Center	1 space/staff on peak shift and 1 space/5 students
27	Day Care Home	2 spaces and 1 space/employee on peak shift
28	Driving Range	2 spaces/tee
29	Essential Services	1 space/employee on peak shift
30	Financial Institution	1 space/200 sf. of Gross Floor Area and 1 space/ employee on peak shift and 5 off-street waiting spaces/drive-in window/ATM
31	Flex Space	1 space/1,000 sf. and 1/space employee on peak shift
32	Food Packaging Facility	1 space/employee on peak shift and 1 space per company vehicle
33	Forestry	N/A
34	Funeral Home	1 space/3 seats in the first viewing room parlor and 10 spaces/each additional parlor
35	Garage, Automobile Repair	2 spaces/service bay
36	Garage, Public	N/A
37	Garage, Private	N/A
38	Garden Center/Nursery	For Township review and approval



39	Gas and Oil Production	1 space/well
40	Home Based Business, Low Impact	1 space/ Dwelling Unit (in addition to residential requirement)
41	Home Based Business, No Impact	1 space/ Dwelling Unit(in addition to residential requirement)
<b>B</b>	<b>NON-RESIDENTIAL USES</b>	<b>MINIMUM REQUIREMENTS</b>
42	Home Based Business, Other	For Township review and approval
43	Hospital	1 space/2 beds and 1 space/employee on peak shift
44	Hotel/Motel	1 space/unit on peak shift and 1 space/ unit; and additional regulations for restaurant/bar/conference room if Accessory Use open to general Public
45	Keeping of Horses, Boarding	1 space per employee/0.5 space for 2 stalls
46	Keeping of Horses, Personal	N/A
47	Kennel, Animal	For Township review and approval
48	Library	1 space/600 sf.
49	Manufacturing, Heavy	1 space/2,000 sf of net floor area and 1 space/employee on peak shift
50	Manufacturing, Light	Greater of 1 space/750 sf of Gross Floor Area or 1 space/employee on peak shift
51	Massage Therapy Establishment	1 space/table and 1 space/employee on peak shift
52	Medical Clinic	For Township review and approval
53	Medical Marijuana ACRC	For Township review and approval
54	Medical Marijuana Grower/Processor	For Township review and approval
55	Medical Marijuana Transport Vehicle	For Township review and approval
56	Medical Marijuana Dispensaries	For Township review and approval
57	Military Related Facility	For Township review and approval
58	Municipal Administration Facility	For Township review and approval
59	Office, Business, < 5,000 sf	1 space/300 sq. ft. of gross floor space
60	Office, Business, > 5,000 sf and <40,000 sf	1 space/300 sq. ft. of gross floor space
61	Office, Business, > 40,000 sf	For Township review and approval
62	Office, Medical	For Township review and approval
63	Office, Professional	1 space/ 300 sf. of Gross Floor Area
64	Open Space	For Township review and approval
65	Parking Areas	N/A

66	Parks	For Township review and approval
67	Personal Services	1 space/ 400 sq. ft. of gross floor space
68	Pharmacy	1 space/ 200 sq. ft. of gross floor space
69	Place of Assembly	1 space/ 2 seats in the largest meeting room
70	Place of Worship	For Township review and approval
<b>B</b>	<b>NON-RESIDENTIAL USES</b>	<b>MINIMUM REQUIREMENTS</b>
71	Planned Non-Residential Development (PNRD)	For Township review and approval
72	Post Office	For Township review and approval
73	Printer/Publisher	1 space/500 sf
74	Private Club	1 space/ 200 sq. ft. of gross floor space
75	Research and Development Facility	1 space/500 sf of Gross Floor Area
76	Restaurant: With Drive Thru	1 space/50 sf. open to the Public and 1 space/ employee on peak shift
77	Restaurant: No Drive Thru	1 space/2 patrons during peak seating and 1 space/ employee on peak shift
78	Retail/Business Store, <10,000 sf	1 space/250 sf. of Gross Floor Area
79	Retail/Business Store, >10,000 sf and <40,000 sf	1 space/500 sf of Gross Floor Area
80	Retail/Business Store >40,000 sf	1 space/500 sf of Gross Floor Area
81	Roadside Stand	For Township review and approval
82	School, Commercial	For Township review and approval
83	School, Academic	For Township review and approval
84	Self-Service Storage Facility (mini warehouse)	1 space/2 employees, plus 1 space/10 storage units
85	Senior Center	For Township review and approval
86	Social Club	1 space/200 sf. of net floor area
87	Social Services Agency	1 space/employee and 1 space per 500 sf of Gross Floor Area
88	Tavern/Bar	1 space/50 sf of Public or net floor area and 1 space/ employee on peak shift
89	Temporary Structure	N/A
90	Veterinary Services	1 space/employee and 2 spaces/exam room
91	Warehouse/Distribution Center	1 space/employee on peak shift or 0.5 spaces/1,000 sf. (whichever is greater) and 1 space per company vehicle

92	Wholesale Operation	1 space/employee on peak shift and 1 space per company vehicle
93	<i>All Other Uses</i>	Determined by Township upon review of parking study

Parking studies shall be submitted to the Township for engineer review on all Uses listed “For Township Review and Approval.” If Applicant requests less parking, a parking study shall be provided. Planning Commission may recommend lessening standards with sufficient evidence from a parking study.

- B. Employee Parking Requirements - In addition to the parking requirements, as listed in § 210-120, unless otherwise stated, each Business operation or activity employing two (2) or more employees, shall provide one (1) off-street Parking Space for each two (2) employees, or fraction thereof. When specific Uses are not known at the time of site plan approval, reasonable estimates for the most intensive Use contemplated will be required.
- C. Loading Requirements:
  - 1. In addition to the off-street Parking Spaces required, any Building Erected, converted, or enlarged for any nonresidential Use shall provide adequate off-street areas for loading and unloading of vehicles. Minimum loading requirements shall be established by the Township based upon the proposed Use in consultation with the Township Engineer or other consultant in order to ensure safe traffic flow.
  - 2. Loading spaces as required for each Use shall be properly located to prevent the movement and turning of vehicles on State, Township and/or private streets. All loading activities must take place in specifically designated areas for turning and loading - exclusive of those area designated for parking or some other Use.
  - 3. The minimum size loading space shall have fifteen feet (15') of overhead clearance, and shall be fifteen feet (15') by thirty-five (35') long, exclusive of access and turning areas.

## § 210-121 GUEST HOUSE ON SAME LOT

- A. Guest homes Erected on same parcel as existing home shall comply as follows:
  - 1. Shall not be used as a rental Unit.
  - 2. Shall meet Principal Structure Setbacks.
  - 3. Shall have separate 911 addresses.
  - 4. Shall have separate utilities than primary home.
  - 5. Shall only be constructed on parcels having at least 3 acres.
  - 6. Shall be a permanent Structure with frost protected footings.
  - 7. Shall only be used as temporary housing for guests or permanent residence for Family members.

8. Guest homes shall not be subdivided from original parcel unless all current subdivision and Setback requirements are met.

## **§ 210-122**

### **STORAGE**

- A. No Lot or premises shall be used as a garbage dump, or a dead animal rendering plant. No manure, rubbish, or miscellaneous refuse may be stored in the open within any district where the same may be construed as a menace to public health or safety. Agricultural manure management may be governed under Title 25 PA Code Chapter 91.36 (Manure Management) through Allegheny County Soil Conservation District. No exceptions shall be made except by official governmental action.
- B. Storage of Cargo Containers
  1. No Cargo Containers shall be stored within any residential Zoning districts on Lots less than three (3) acres in size.
  2. All permitted storage of Cargo Containers shall be screened in accordance with § 210-153.
- C. Temporary drop, fill, and pick up storage Units are permitted under the following conditions:
  1. Shall not be placed on a Public Right-of-Way, alley or Township property or otherwise create a traffic hazard.
  2. Shall be removed within three (3) weeks of delivery.
  3. Loading and unloading of storage Units shall not cause damage to Public, private or Township-owned property.

## **§ 210-123**

### **SWIMMING POOLS**

- A. Private swimming pools, permanently fixed or portable, but not including farm Ponds or open tanks, capable of containing water to a depth at any point greater than two feet (2'), are permitted provided:
  1. They are located in the side and/or Rear Yard and comply with the minimum Yard Setback requirements of the Zoning district in which the property is located.
  2. They are completely enclosed by a protection barrier at least four feet (4') in height to protect persons or animals from drowning risks and to prevent trespassing.
  3. All openings in the barrier are equipped with gates or doors which shall be self-latching and locked when not in use.
  4. Above ground swimming pools without a deck may utilize a fold up ladder to meet the barrier requirement as long as the pool has a depth of at least four feet (4').

## **§ 210-124**

### **YARD REQUIREMENTS**

- A. The following may project into the required Yard as established herein:

1. Steps or stoops not exceeding twenty-five (25) square feet in the front area of Lot.
2. Eaves, cornices and belt courses not exceeding two feet (2').
3. Open fire escapes not exceeding fifty-four inches (54").
4. Porches, Patios or Decks not exceeding ten feet (10') into front area of Lot.

## **§ 210-125 KEEPING OF HORSES**

For the Keeping of Horses, Personal, and Keeping of Horses, Boarding, the following acreages shall apply:

- A. In the R and R-1 Zoning districts, three (3) acres shall be provided for the first horse. For each horse thereafter, an additional acre of land shall be provided.
- B. In the R-2 Zoning district, five (5) acres shall be provided for the first horse. For each horse thereafter, an additional acre of land shall be provided.

## **§ 210-126 SIGNS**

Signs may be Erected and maintained only when in compliance with the provisions of this Ordinance and any and all ordinances and regulations of the Township of West Deer, relating to the erection, Alteration or maintenance of Sign.

Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for Commercial copy on any lawful Sign Structure.

- A. Aspect Ratio - Shall be defined as a Sign's width divided by its height. Example, a 4' x 3' Sign would have an AR of 4:3 or 1.33:1
- B. Classes of Signs - The following are the definitions of classes of Signs which may or may not be permitted in the Township.
  1. Bulletin Sign - A type of changeable copy Sign constructed to allow letters or symbols to be changed periodically such as those used by churches and schools to announce events.
  2. Changeable Copy Sign - A Sign that is designed so that characters, letters or illustrations can be changed or rearranged by computer, electronically or mechanically without altering the face or surface of the Sign.
  3. Free Standing Signs - A Sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any Building or other Structure, including:
    - a) Ground Sign - A free standing Sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of eighteen inches (18") between the bottom edge of the Sign and the adjacent ground level.
    - b) Pole Sign - A free standing Sign which is supported by one (1) or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the Sign and the adjacent ground level, as specified by this Ordinance.

4. Illuminated Sign – A sign that is lighted either by external lamps projecting light onto Sign or a sign that is internally lighted by lamps within the Sign.
  - a) Indirectly Illuminated Sign - A Sign which is lighted by means of lamps or lighting devices external to, and reflected on the Sign, which lighting is stationary and constant in intensity and color at all times and which is shielded so that the illumination is concentrated on the face of the Sign and there is no spillover of illumination or Glare beyond the face of the Sign.
  - b) Internally Illuminated Sign - A Sign which is lighted by means of lamps or lighting devices internal to the Sign, which lighting is either behind the face of the Sign or an integral part of the Sign Structure and the advertising effect.
5. Non-conforming Sign – A Sign, properly designated as such in accordance with the Township’s Zoning Ordinance, as amended.
6. Off-Premises Directional Sign - A Sign Erected by a governmental agency which directs and/or instructs vehicular or pedestrian traffic relative to the location of a Public Building or Use or a semi-public Building or Use such as a church, school, park, municipal building, or similar Use and which is located in a Public street right-of-way with the permission of the owner of the Right-of-Way or on premises other than the premises where said Building or Use is located with the permission of the owner. Off-premises directional Signs shall not include Billboards, as defined herein, or any other off-premises Sign which contains information regarding any Commercial or Business Use.
7. Overhanging Sign – A Sign, other than a wall Sign, affixed to a Building or wall whose leading edge extends beyond such Building or wall more than six (6) inches.
8. Roof Sign - A Sign Erected and maintained upon or above the roof or any Building which projects no more than six (6) feet above the roof.
9. Wall Sign - A Sign attached to and Erected parallel to the face of an outside wall of a Building, projecting outward no more than six (6) inches from the wall of the Building.

C. Types of Signs - The following are definitions of types of Signs which are permitted subject to the regulations contained in this Section.

1. A-Frame or Sandwich Board Sign - Signs typically having triangular open ends with the sides of the Sign resting on the ground as the main support. These Signs are considered non-permanent, which may or may not be portable.
2. Agricultural Sales Sign - A temporary Sign permitted in connection with any operating farm used only to announce the sale of seasonal products raised on the premises.
3. Business Identification Sign - A Sign which contains the name, address

- and goods, services, facilities or events available on the premises.
4. Construction Sign - A temporary Sign announcing the name of contractors, mechanics or artisans engaged in performing work on the premises.
  5. Development Sign - A temporary Sign Erected during the period of construction and/or development of a property by the contractor and Developer or their agent.
  6. Home Occupation or Home Office Identification Sign - A Sign containing only the name and address of the occupant of the premises and their occupation. No logos or other advertising shall be permitted.
  7. Notification Sign - Signs bearing legal and/or property notices such as: no trespassing, private property, no turnaround, safety zone, no hunting and similar messages and Signs posted by a governmental agency for traffic control or the safety of the general public.
  8. On-Premises Directional Sign - A Sign which directs and/or instructs vehicular or pedestrian traffic relative to Parking Areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.
  9. Overhead Banner Sign - A Sign which is temporary Erected overhead spanning the length of a roadway or Open Space, providing a minimum of fifteen (15) feet clearance above the ground.
  10. Political Sign - A temporary Sign which indicates the name, cause or affiliation of anyone seeking Public office or which refers to an issue concerning which a Public election is scheduled to be held. Temporary political Signs shall not be considered Billboards.
  11. Portable or Wheeled Sign - A Sign which is temporary and capable of being carried or moved about without a permanent base attached to the ground. This shall also include all symbols, logos, balloons or other portable Signs.
  12. Real Estate Sign - A temporary Sign advertising the sale or rental of premises. The Signs may also bear the words sold, sale pending or rented across its face.
  13. Residential Identification Sign - A Sign containing only the name and address of the occupant of the premises.
  14. Residential Plan Identification Sign - A permanent wall or free standing ground Sign containing only the name and address of a plan or subdivision or a multi-family Building or development.
  15. Temporary Special Event Display Sign - A banner, flag, pennant, or similar display constructed of durable material and affixed to the wall of a Building or portable or wheeled for a period of less than thirty (30) days whose sole purpose is to advertise a grand opening or other special event.

D. Restricted Signs -THE FOLLOWING SIGNS SHALL NOT BE PERMITTED IN ANY ZONING DISTRICT:

1. Portable or wheeled Signs, other than Temporary Special Event Display Signs authorized by this Ordinance;  
a.) Township enacted banner programs are exempt from this restriction.
2. Banners and pennants, other than Temporary Special Event Display Signs authorized by this Ordinance;
3. Moving, rotating, swinging, animated or flashing Signs , except for that portion of a permitted Sign which indicates time, temperature and those changeable Signs referenced here within;
4. Signs placed on trees, Utility poles or on official traffic control devices or Signs;
5. Signs which imitate traffic control devices;
6. Signs painted on chimneys of a Building, fences or free standing walls;
7. Roof Signs, as defined herein;
8. Signs on or affixed to vehicles and/or trailers which are parked on a Public Right-of-Way, Public property or private property, other than temporarily for overnight storage on the site of a Business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the Public Right-of-Way and where the apparent purpose is to (a) advertise a product or service or (b) direct people to a Business or activity located on the same or nearby property.

E. General Regulations - The following regulations shall apply to Signs in all Zoning Districts.

1. Lots with Multiple Street Frontage - In all Zoning Districts, Lots fronting on more than one (1) street shall be permitted to have one (1) Sign which is authorized per Lot on each street frontage.
2. Temporary Signs - In all Zoning Districts where authorized, real estate, construction and development Signs shall be considered temporary Signs which shall be removed upon completion of sale, rental or construction.
3. Notification Signs - In all Zoning Districts, the number, location and size of legal notification Signs Erected by Public agencies shall be in accordance with the laws of the Commonwealth. In all Zoning Districts, legal notification Signs posted on private property by property owners such as no trespassing, no hunting and the like shall be limited to a surface area not exceeding two (2) square feet. The placement and maximum number of Signs permitted along Road Frontages shall be one (1) for every one hundred (100) feet of Road Frontage.
4. Location - All Signs shall be located on the premises of the Establishment, person, activity, product or service to which they refer, unless approved as a Billboard or Off-Premises Directional Sign in accordance with the requirements of this Ordinance. In addition, Signs not attached to a Building shall be set back a minimum of ten (10) feet from a l Lot line, street or right-of-way line, or any other required buffer area. Signs shall never obstruct traffic sight lines.



5. Visibility - No Sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device. No Sign, other than official traffic Signs, shall hang over or be Erected within ten (10) feet of the Right-of-Way of any street.
6. Illumination - Illumination, when authorized by this Ordinance, shall be directed upon the Sign face and not towards adjoining properties or streets. Flashing Signs shall not be permitted. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any Sign, whether indirect or internal, shall be controlled so as to not create Glare and to be compatible with the intensity of ambient light and illumination on surrounding properties.
7. Maintenance and Inspection - All Signs must be constructed of a durable material and maintained in good condition. If any Sign becomes dilapidated to the point that it constitutes an unsightly or hazardous condition it shall be declared to be a public nuisance and the Zoning Officer shall give notice to the owner in writing to repair or remove the Sign within ten (10) days. Upon failure of the owner to comply it shall be constituted as a violation of the Zoning ordinance subject to the enforcement provisions contained herein.
8. Removal of Signs - Whenever any Business is discontinued or vacated, all Signs relating to the discontinued or vacated Business shall be removed within thirty (30) days of the vacation or discontinuance of the Business. Upon failure of the owner to comply it shall be constituted as a violation of the Zoning ordinance subject to the enforcement provisions contained herein.
9. Permits Required - No permit shall be required for Notification and Construction Signs. Permits for all other authorized Signs shall be required. The Zoning Officer shall issue the required permits upon submission of an application which complies with all applicable provisions of this Ordinance and payment of the required fee established by resolution of the Board of Supervisors of the Township of West Deer.

F Sign Area - The area of a Sign shall be computed based on the following:

1. The area of a Sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. The area of a Sign painted upon or applied to a Building shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the Sign.
3. Where the Sign consists of individual letters or symbols attached to or painted on a surface, Building, wall or window, the area shall be

considered to be that of the total area within the outer most perimeters of the Sign.

4. In computing the square foot area of a double-face Sign, only one side shall be considered provided both faces are identical. If sides are different sizes, the larger side shall be used to calculate the area of the Sign. If the interior angle formed by the two faces of the double-faced Sign is greater than forty-five (45) degrees, then both sides of such Sign shall be considered in calculating the Sign Area.
5. In computing the Sign Area for figurines or logos, the square foot area shall be computed as two (2) times the height times the average width.

G. SIGNS AUTHORIZED IN ALL ZONING DISTRICTS - The following Signs are authorized in all Zoning Districts:

1. One (1) Bulletin Sign which is non-illuminated or indirectly or internally illuminated and which does not exceed twelve (12) square feet in surface area, shall be permitted in connection with any church, school, Library or similar Public or semi-public Building.
2. One (1) non-illuminated temporary Real Estate Sign or Development Sign advertising the sale or lease of the property on which the Sign is located shall be permitted provided the surface area of the Sign shall not exceed six (6) square feet in any residential Zoning District or thirty-two (32) square feet in any other Zoning District. Such Signs shall be removed upon the sale, lease, or completion of the development of the property.
3. One (1) non-illuminated temporary Construction Sign announcing the names of contractors, mechanics or artisans engaged in performing work on the premises shall be permitted on a Lot, provided the Sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon completion of the work.
4. One (1) non-illuminated Temporary Special Event Display Sign, as defined by this Ordinance, shall be permitted to be Erected over a Public right-of-way or on the face of a Public Building, church or Building housing a non-profit organization, provided that the area of the Signs shall not exceed forty (40) square feet and provided the Sign is displayed for a period no longer than fifteen (15) days and is removed within five (5) days following the event that it is Erected to promote. No such Temporary Special Event Display Sign shall be permitted to be ERECTED over a Public Right-of-Way without permission of the Zoning Officer.
5. One (1) non-illuminated Home Occupation or Home Office Identification Sign shall be permitted for an approved home occupation, provided that the surface area of the Sign does not exceed two (2) square feet and the Sign shall contain only the name and occupation of the resident and shall not contain any logo or other advertising.

6. Non-illuminated Temporary Political Signs Erected during a political campaign shall be permitted, provided that they are not of a type restricted by this Ordinance and provided that the surface area of such Signs shall not exceed six (6) square feet. Private residents can allow a temporary political Sign to be located solely on their property as long it does not obstruct view of any motorist or cause a potential safety hazard; the surface area of the Sign shall not exceed forty-eight (48) square feet. Temporary political Signs are permitted to be displayed for a period of thirty (30) days prior to an election date and shall be removed within five (5) days after the election for which they were Erected. Signs placed upon Public property or Public Right-of-Way not promptly or completely removed within the specified time period shall be removed by the Township at the expense of the candidate.
7. Changeable Signs shall be permitted in all districts for municipal and Public Buildings and grounds provided Setbacks and all other regulations are met within the designated Zoning district.

H. Signs Authorized in R, R-1, R-2, R-3 & R-4 Zoning Districts - The following Signs shall be permitted in all Residential Zoning Districts

1. One (1) non-illuminated or indirectly illuminated permanent wall or free standing ground Residential Plan Identification Sign containing only the street address and/or name of a residential subdivision plan or multi-family Building or development which shall not exceed twenty-four (24) square feet in area. A Sign identifying the name of a residential subdivision may be affixed to a free standing decorative wall, rather than to a Building wall, provided that the decorative wall meets all applicable ordinance requirements and does not obstruct visibility for traffic entering or leaving the plan.
2. One (1) non-illuminated or indirectly illuminated wall or free standing ground Business Identification Sign for any authorized non-residential Use, other than a home occupation, in Residential Zoning Districts shall not exceed six (6) square feet in area.
3. One (1) non-illuminated or indirectly illuminated wall Sign or free standing ground Business identification Sign for a lawfully maintained Non-Conforming Use in Residential Zoning Districts which shall not exceed six (6) square feet in area.
4. One (1) non-illuminated free standing ground Agricultural Sales Sign shall be permitted in conjunction with on-site sale of farm products provided the Sign shall not exceed six (6) square feet in area and shall not be located within ten (10) feet of any Public street Right-of-Way.
5. The maximum square footage for a Business Sign in the Village District shall be ten (10) square feet.

I. Signs Authorized in Commercial and Special Use Zoning Districts - The following Signs shall be permitted in all C-1, C-2 Commercial Zoning Districts and SU Special Use Zoning Districts:

1. Temporary Special Event Display - Temporary Special Event Displays, as defined by this Ordinance shall be permitted provided that:
  - a) No more than two (2) Signs or banners shall be permitted on any Establishment at any one time;
  - b) The Temporary Special Event Display Signs shall be securely attached to the Building or to the supporting Structure of a free standing pole Business identification Sign;
  - c) Temporary Special Event Display Signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
  - d) The aggregate surface area of all Temporary Special Event Display Signs shall not exceed thirty-two (32) square feet per Establishment. In the event that there is more than one (1) Establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display Signs on the site at any one time shall not exceed sixty-four (64) square feet;
  - e) Temporary Special Event Display Signs shall be non-illuminated.
2. Directional Signs - On Lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional Signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On Lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated directional Signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional Signs shall be permitted per acre on the additional acreage.
3. Changeable Copy Signs - One (1) non-illuminated or internally illuminated changeable copy Sign shall be permitted per Lot, regardless of the number of Business on the Lot, and shall be permanently affixed to the wall of the Building or to the supporting Structure of an authorized Free Standing Sign on the Lot, provided that:
  - a) No authorized Business Identification Sign exists or is proposed to be Erected on the Lot.
  - b) The maximum surface area of the Changeable Copy Sign shall not exceed thirty two (32) square feet in area.
4. Business Identification Signs
  - a) Wall Signs - Each Business Establishment shall be permitted to have one (1) wall Sign which may be illuminated or non-illuminated provided that 1) The maximum surface area does not exceed thirty two (32) square feet.

- b) Ground Signs - In addition to the wall Signs, one (1) free standing Ground Sign shall be permitted per Lot, regardless of the number of Businesses on the Lot, provided that:
    - 1) No free standing pole Sign exists or is proposed to be Erected on the Lot.
    - 2) The maximum surface area of the ground Sign shall not exceed twenty-four (24) square feet.
    - 3) The height and location of the Sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the Lot or traveling on any street.
    - 4) Ground Signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground Signs shall not be permitted.
- 5. Pole Signs - In additional to the authorized wall signs, one (1) free standing pole Sign shall be permitted per Lot, regardless of the number of Businesses on the Lot, provided that:
  - a) No free standing ground Sign exists or is proposed to be Erected on the Lot.
  - b) The pole Sign shall be non-illuminated, indirectly illuminated or internally illuminated.
  - c) The maximum height of the top of the pole Sign shall be twenty (20) feet.
  - d) The minimum height of the bottom edge of the Sign shall be eight (8) feet.
  - e) The maximum size of the free standing pole Sign shall not exceed thirty-two (32) square feet and dimensionally shall have an aspect ratio of not greater than two (2); and
  - f) No portion of any Sign shall project over any Public right-of-way.
- 6. Overhanging Signs - Overhanging Signs shall be permitted only in place of a Wall Sign in the C-1 and C-2 Zoning Districts. Overhanging Signs shall include: marquees, awnings or similar Structures, if they are used for Business identification. The maximum surface area of an overhanging Sign shall be thirty-two (32) square feet.
- 7. Total Aggregated Sign Area - The total aggregated Sign Area shall not exceed thirty-two (32) square feet for one (1) Business or sixty-four (64) square feet for a group of two (2) or more Businesses on one (1) parcel, tract, or Lot.

I Industrial Zoning Districts - The following Signs are permitted in all Industrial Zoning Districts.

- 1. Temporary Special Event Display - Temporary Special Event Displays, as defined by this Ordinance shall be permitted provided that:
  - a) No more than two (2) Signs or banners shall be permitted on any Establishment at any one time;

- b) The Temporary Special Event Display Signs shall be securely attached to the Building or to the supporting Structure of a free standing pole Business identification Sign;
  - c) Temporary Special Event Display Signs shall be displayed for a period not exceeding thirty (30) days, either consecutively or cumulatively, in any twelve (12) month period;
  - d) The aggregate surface area of all Temporary Special Event Display Signs shall not exceed thirty-two (32) square feet per Establishment. In the event that there is more than one (1) Establishment on a site, the maximum aggregate surface area of all Temporary Special Event Display Signs on the site at any one time shall not exceed sixty-four (64) square feet;
  - e) Temporary Special Event Display Signs shall be non-illuminated.
- 2. Directional Signs - On Lots with areas less than one (1) acre, a maximum of four (4) non-illuminated or indirectly illuminated directional Signs, each of which shall not exceed four (4) square feet in area, shall be permitted. On Lots with areas of one (1) acre or more, a maximum of six (6) non-illuminated or indirectly illuminated directional Signs, each of which shall not exceed four (4) square feet in area, shall be permitted on the first acre. For each additional acre or fraction thereof over one (1) acre, two (2) additional directional Signs shall be permitted per acre on the additional acreage.
- 3. Changeable Copy Signs - In addition to the authorized Business identification Signs, one (1) non-illuminated or internally illuminated changeable copy Sign shall be permitted per Lot, regardless of the number of Businesses on the Lot, which shall not exceed thirty (30) square feet in area and which shall be permanently affixed to the wall of the Building or to the supporting Structure of an authorized free standing Sign on the Lot.
- 4. Business Identification Signs
  - a) Wall Signs - Each Business Establishment shall be permitted to have wall Signs which may be illuminated or non-illuminated. The aggregate area of all wall Signs shall not exceed two (2) square feet for each lineal foot of width of the front wall of the building, or portion of the Building, occupied by the Business with a maximum aggregated area of sixty-four (64) square feet.
  - b) Ground Signs - In addition to the wall Signs, one (1) free standing ground Sign shall be permitted per Lot, regardless of the number of Businesses on the Lot, provided that:
  - c) No free standing pole Sign exists or is proposed to be Erected on the Lot.
  - d) The maximum surface area of the ground Sign shall not exceed twenty-four (24) square feet.
  - e) The height and location of the Sign shall be designed so as to not interfere with visibility for vehicular traffic entering or leaving the Lot or traveling on any street.

- f) Ground Signs shall be non-illuminated or indirectly illuminated only. Internally illuminated ground Signs shall not be permitted.
- 5. Pole Signs - In addition to the authorized wall Signs, one (1) free standing pole Sign shall be permitted per Lot, regardless of the number of Businesses on the Lot, provided that:
  - a) No free standing ground Sign exists or is proposed to be Erected on the Lot.
  - b) The pole Sign shall be non-illuminated, indirectly illuminated or internally illuminated. The maximum height of the top of the pole Sign shall be twenty (20) feet.
  - c) The minimum height of the bottom edge of the Sign shall be eight (8) feet.
  - d) The maximum size of the free standing pole Sign shall not exceed sixty-four (64) square feet and dimensionally shall have an aspect ratio of not greater than two (2); and
  - e) No portion of any Sign shall project over any Public right-of-way.
- 6. Overhanging Signs - Overhanging Signs shall be permitted only in place of a wall Sign in the Industrial Zoning Districts. Overhanging Signs shall include: marquees, awnings or similar Structures, if they are used for Business identification. The maximum surface area of an overhanging Sign shall be twenty-four (24) square feet.
  - a) Total Aggregated Sign Area - The total aggregated Sign Area shall not exceed sixty-four (64) square feet for one (1) Business or one hundred twenty-eight (128) square feet for a group of two (2) or more Businesses on one (1) parcel, tract, or Lot.

## **§ 210-127 ANIMAL HUSBANDRY**

For Animal Husbandry the following acreages shall apply:

- A. In the R and R-1 Zoning districts there shall be no minimum acreage.
- B. In the R-2 and R-3 Zoning districts there shall be a minimum of three (3) contiguous acres of land.
- C. On every property permitted for Animal Husbandry there shall be no storage of manure within fifteen feet (15') of property lines.
- D. All Setbacks must be met for any Accessory Structures utilized for Animal Husbandry and the property owner may not use an existing Building Line or existing Buildings that do not meet the Setback requirements.
- E. Approved and accredited 3<sup>rd</sup> party suggested space and housing guidelines will dictate acceptable levels of Animal Husbandry as determined by the Zoning Officer.
- F. All fencing for Animal Husbandry containment shall be installed as to protect neighboring trees, shrubs, or other vegetation from being damaged.

## **§ 210-128 BEEKEEPING**

All Beekeeping shall adhere to Pennsylvania's most current State Bee Law.

- A. All beehives or colonies shall adhere to current Zoning Setbacks and may not use an existing Building Line.
- B. All beehives or colonies must be completely fenced in to prevent untrained persons from disturbing the hives.
- C. Property must be posted with permeant weather resistant Signs indicated beehives are present.
- D. All beehive Structures or equipment shall adhere to current Zoning Setbacks and may not use an existing Building Line.
- E. A “flyway barrier” of at least six (6) feet in height shall be provided at all property lines that are within twenty (20) feet of the hive(s). The “flyway barrier” shall consist of a solid fence or wall, dense vegetation, or combination thereof. No flyway barrier is required for hives that are located at least 10’ feet above grade in relation to the property line.

## **§ 210-129      BIRDS OF PREY**

All Birds of Prey shall comply with all Pennsylvania Game Commission requirements.

- A. Property must be posted with permeant weather resistant Signs indicated Birds of Prey are present.
- B. All Birds of Prey Structures or equipment shall adhere to current Zoning Setbacks and may not use an existing Building Line.
- C. All Birds of Prey must be tethered or in an approved enclosed carrier while transporting to and from shelter/mew, vehicle and hunting location.

## **§ 210-130      MANUFACTURED / INDUSTRIAL HOMES**

- A. All manufactured/Industrial Homes not located in a Mobile Home Park must be placed on either a full basement or a completely enclosed masonry crawl space. The masonry crawl space must be properly vented and provide a frost protected masonry footer.
- B. A Manufactured Home designed to be placed on piers can still be set on piers but must also have a frost protected masonry crawl space. When a frost protected crawl space is provided on the perimeter of the home the pier footings shall be a minimum of 6” or the manufacturer’s recommendation.
- C. All Manufactured Homes must have a pitched (sloped) roof.
- D. A Manufactured Home placed on 2 acres of land or more and with a separation distance of one hundred 100 Yards (300 feet), or more of an existing Dwelling Unit shall be exempt from Sections § 210-130A. and § 210-130B.
- E. All existing Manufactured Home brought into the Township must comply with Pennsylvania Department of Community and Economic Development’s requirements for relocating manufactured homes.
- F. All Manufactured Homes must obtain a Building permit prior to delivery and installation of home.
- G. All relocated Manufactured Homes must submit a completed copy of the Pennsylvania Department of Community and Economic Development’s



Habitability Guidelines for Relocated Manufactured Homes checklist with interior and exterior pictures. Upon delivery of Manufactured Home to site and before installation, the Building Code Official must inspect the Manufactured Home to ensure compliance with Habitability Guidelines.

## **§ 210-131**

### **MEDICAL MARIJUANA FACILITIES**

#### **A. Use Requirements**

1. Academic Clinical Research Centers
  - a) An Academic Clinical Research Center 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 (“DOH”). 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.
  - b) Must comply with all applicable standards for designated Zoning district per Article XIV and Article XV.
2. Medical Marijuana Grower/Processor
  - a) 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 DOH. 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.
  - b) 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.
  - c) 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.
  - d) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
  - e) The Grower/Processor shall provide only wholesale products to other Medical Marijuana. Retail sales and dispensing of Medical Marijuana and related products is prohibited at Medical Marijuana Grower/Processor facilities.
  - f) Grower/Processors may not locate within 1,000 feet of the property line of a Public, private, or parochial school or day-care center.
  - g) All external lighting serving a Medical Marijuana Grower/Processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

- h) Type A Screening, reference § 210-153.A.3.(a), is required where a Medical Marijuana Grower/Processor adjoins a residential Use or district.
  - i) Entrances and driveways to a Medical Marijuana Grower/Processor must be designed to accommodate the anticipated vehicles used to service the facility.
    - 1) All accesses must secure the appropriate highway Occupancy Permit.
  - j) Loading and off-loading areas within the Structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.
  - k) Must comply with all applicable standards for designated Zoning district per Article XIV and Article XV.
3. Medical Marijuana Transport Vehicle Office
- a) A traffic impact study is required where the office is operated.
  - b) All external lighting serving a Medical Marijuana Transport Vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
  - c) Type A Screening, reference § 210-153.A.3.(a), is required where a Medical Marijuana Transport Vehicle service adjoins a residential Use or district.
  - d) Entrances and driveways to a Medical Marijuana Transport Vehicle service must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
    - 1) All accesses must secure the appropriate highway Occupancy Permit.
  - e) If for some reason a Medical Marijuana product is to be temporarily stored at a Medical Marijuana Transport Vehicle service facility, the facility must be secured to the same level as a Medical Marijuana grower/producer and Dispensary.
  - f) Loading and off-loading areas within the Structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.
  - g) Must comply with all applicable standards for designated Zoning district per Article XIV and Article XV.
4. Medical Marijuana Dispensary
- a) A Medical Marijuana Dispensary must be legally registered in the Commonwealth and possess a current valid Medical Marijuana permit from the DOH.
  - b) A Medical Marijuana Dispensary may only dispense Medical Marijuana in an indoor, enclosed, permanent, and secure Building and shall not be located in a trailer, Cargo Container, mobile or modular Unit, Mobile Home, recreational vehicle or other motor vehicle.

- c) A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing and processing Medical Marijuana.
- d) Medical Marijuana Dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing Medical Marijuana.
- e) Permitted hours of operation of a Dispensary shall be 8 am to 8 pm [of the same calendar day].
- f) A Medical Marijuana Dispensary shall:
  - 1) Not have a Drive-Thru service;
  - 2) Not have outdoor seating areas;
  - 3) Not have outdoor vending machines;
  - 4) Prohibit the administering of, or the consumption of Medical Marijuana on the premises; and
  - 5) Not offer direct or home delivery service.
- g) A Medical Marijuana Dispensary may dispense only Medical Marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
- h) A Medical Marijuana Dispensary may not be located within 1,000 feet of the property line of a Public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the Building or portion thereof in which the Business is conducted or proposed to be conducted, to the closest property line of the protected Use, regardless of municipality in which it is located.
- i) A Medical Marijuana Dispensary shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana facility. This does not include complementing or supporting Businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the Buildings or portions thereof in which the Businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the Grower/Processor or Academic Clinical Research Centers and the specific Dispensary they serve, or with which they partner.
- j) Any Medical Marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a Public, private or parochial school or a day-care center.
- k) All external lighting serving a Medical Marijuana Dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

- l) Type A Screening, reference § 210-153.A.3.(a), is required where a Medical Marijuana Dispensary adjoins a residential Use or district.
- m) Entrances and driveways to a Medical Marijuana Dispensary must be designed to accommodate the anticipated vehicles used to service the facility.
  - 1) All accesses must secure the appropriate highway Occupancy Permit.
- n) Loading and off-loading areas within the Structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.
- o) Must comply with all applicable standards for designated Zoning district per Article XIV and Article XV.

## **§ 210-132**

### **URBAN AGRICULTURE**

- A. Shall be limited to five (5) chickens and/or ducks per property.
- B. All Urban Agriculture activities shall be limited to the side and Rear Yards only and screened by a six (6) feet high permanent privacy fence.
- C. Parcels located on corner Lots shall follow sight line restrictions for fence height and exemptions for Urban Agriculture shall not be granted.
- D. Roosters shall not be permitted as part of an Urban Agriculture Use.
- E. All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed Structure.
- F. All Structures, fences, etc. shall obtain a Building/Zoning Permit and shall meet all current Zoning Setback requirements and may not use an existing Building Line.
- G. No urban agricultural activities shall be visible from any Public or private roadway.
- H. All Structures shall be covered with a roof, well ventilated, dry, predator resistant and properly maintained to prevent accumulations of animal waste.
- I. Tarpaulins or tarps shall not be used as Structures, Building materials, or covers for Structures and pens.
- J. No ducks or chicken waste or manure shall be stored, accumulated, or spread on the property. All animal waste shall be cleaned, removed, and properly disposed of as not to create a nuisance by sight, smell, noise, or pest vector attraction.
- K. All animals shall be contained in an enclosed fence area and shall not be permitted to roam outside of the area.
- L. It shall be the responsibility of the property owner and/or occupant to contain the animals. The Township may require an enclosed pen area with an enclosed top if animals are capable of flying over fence.
- M. All properties utilizing the Urban Agriculture provisions shall conform to all current standards.

**§ 210-133**

**COMMUNITY-ORIENTED GARDENS (COGS)**

- A. COGS shall have a minimum Lot size of one (1) acre when a residential Use is already established on the Lot or five thousand (5,000) square feet for a vacant Lot.
- B. All parking for workers, volunteers, customers, and residents shall be contained on site to prevent disruption of traffic flow.
- C. Hours of operation for machinery shall not occur prior to 8am and shall discontinue at 8pm or sunset, whichever is earlier, on Monday through Saturday, and 10am to 4pm on Sundays. Automatic functioning equipment, such as sprinklers, is not considered operation of machinery for the purposes of this Section.
- D. COGS may include a seasonal farm stand only for the sale of items grown on site; no other merchandise may be sold. Stand must be removed from the premises or stored inside when the community-oriented garden is not in operation.
- E. The seasonal farm stand shall not operate more than two (2) nonconsecutive days per week in residential areas and farm stand hours shall not exceed eight (8) hours in operation.
- F. The seasonal farm stand shall not obstruct pedestrian or vehicular pathways.
- G. All COGS shall have suitable containers for waste and recyclables that are regularly serviced.
- H. COGS may include any of the following features: raised and/or accessible beds, planting beds, compost bins, picnic tables, garden art, rain barrel systems or other irrigation systems, signage, storage sheds, and children's play areas.
- I. Composting and irrigation methods shall not create a nuisance by smell, sight, noise, or pest vector attraction to the neighboring properties.
- J. The growing and processing of illegal or restricted plants shall not be permitted in COGS.
- K. All crops and/or Structures shall not obstruct any sightline or pathway of a Public /private roadway, driveway or sidewalk.
- L. All Structures including but not limited to fences, sheds, garages, storage Building, irrigation Structures and farm stands shall obtain Building/Zoning Permits.
- M. All enclosed Structures shall remain locked when not in use.
- N. Owners of property assume all responsibility and liability for activities on said property and shall dictate individual rules and regulations of their COGS.
- O. Owners of the property may or may not charge a membership fee for participation in their COGS.
- P. All prohibited activities in West Deer Township shall also be prohibited in the COGS.
- Q. Irrigation, plowing, tilling or grading shall not cause excess water run off on neighboring properties or roadways.
- S. Portable toilets may be placed on COGS greater than one (1) acre in size but must be properly screened from Public or private roads and serviced regularly.

- T. COGS shall be maintained in growing seasons as well as times not in use to a standard that does not create a public nuisance by sight, sound, smell, or pest vector attraction.

#### **§ 210-134      INFILL DIMENSIONAL STANDARDS**

- A. Infill standards shall apply only to the R-4 Urban Residential Zoning District.
- B. Development/construction shall not change the characteristic of the neighborhood.
- C. Required compatibility standards that shall be met.
  - 1. Front Yard Setback shall be the average of the Front Yard Setback of neighboring properties within two hundred (200) feet on each side of Lot to be developed.
  - 2. If sidewalks are present on at least one neighboring property the sidewalk shall be continued using the same width as existing sidewalk.
  - 3. Building Height shall be within five (5) feet of the Building Height of the neighboring properties. If the neighboring LOTS are vacant the Building Height shall be the average of the three (3) closest Buildings.
- D. Two (2) out of five (5) neighborhood standards shall be met.
  - 1. Setbacks between Buildings shall be the average of the three (3) closest Buildings.
  - 2. Proportions and size of exterior windows and doors shall be similar to the existing neighborhood.
  - 3. Location and treatment of entryway shall be similar to the existing neighborhood.
  - 4. Exterior Building materials such as siding, brick, etc. shall be similar to the existing neighborhood.
  - 5. Building façade shall be similar to the existing neighborhood.

#### **§ 210-135      GENERAL HOUSING STANDARDS**

- A. All residential housing shall have a permanent foundation. Manufactured Homes in mobile/ Manufactured Home parks are exempt from this regulation.
- B. No Accessory Structure shall be placed on a vacant Lot prior to a Principal Structure being constructed.
- C. All residential housing shall have at least two hundred and fifty (250) square feet for the first occupant and at least one hundred and twenty-five (125) additional square feet for each additional occupant.
- D. Ceiling height in any habitable room shall be at least seven (7) feet, except that in any habitable room with a sloping ceiling, at least half (1/2) of the floor area shall have a ceiling height of at least seven (7) feet.

- E. All residential housing shall be connected to a permanent sanitary sewage system (Public sewage or private septic system), permanent water supply (Public water or private well), and permanent electrical service.

**§ 210-136      SHORT TERM RENTALS**

- A. All parking shall be provided on the same Lot as the Dwelling Unit being used for the Short Term Rental. No on-street parking will be permitted.
- B. One off-street Parking Space shall be provided, in addition to any required Parking Spaces for the Principal Use of the Lot.
- C. All rooms available for renting shall be located within the Dwelling's principal Building.
- D. Objectionable noise, vibration, smoke, or odors shall be prohibited.
- E. The Use shall not intensify vehicular or pedestrian traffic in the surrounding neighborhood.
- F. The Use shall not cause an increase in the Use of water, sewage, garbage, Public safety or any other municipal services beyond that which is normal for a residence in the neighborhood.
- G. The Use shall not cause a detrimental impact to the neighborhood.
- H. The owners of record of any Short Term Rental shall, within thirty (30) days after commencement of the Use and/or the listing of the Short Term Rental on a booking agent website, provide and supply to the Township Manager the name(s), address(s), e-mail address(es), phone number(s) and other requested information of a contact person to ensure that a representative of the Short Term Rental can be contacted at all times in case of an emergency or otherwise as may be necessary.
- I. Short Term Rentals shall be limited to single-family Dwellings, and shall not be permitted on lots containing less than one (1) acre in area.

**§ 210-137      PLANNED NON-RESIDENTIAL DEVELOPMENT (PNRD)**

- A. See § 210-12 for a list a permitted land Uses within a Planned Non-Residential Development.
- B. The minimum Front Yard Setback requirements shall be 25 feet or shall be reduced to align with the Building Line of an existing Building located within 150 feet of the proposed Building. In no case shall the Front Yard Setback be less than 10 feet.
- C. The minimum Side Yard Setback shall be 15 feet and 35 feet for corner Lots.
- D. The minimum Rear Yard Setback shall be 30 feet.
- E. Sidewalks shall be provided along all Rights-of-Way adjoining the development site.

- F. Sidewalks shall be required adjacent to the front façade of all Buildings in which the primary Public entrance is located.
- G. Sidewalks shall be designed to ensure pedestrian safety throughout the development site. This includes connections between the primary Building entrances, Parking Areas and any Rights-of-Way adjoining the development.
- H. The total number of required off-street Parking Spaces for all Uses within the development may be reduced by fifteen percent (15%).
- I. Screening between adjacent residential Lots or a designated residential Zoning district shall be required as per § 210-153.A.
- J. Street trees shall be provided along the entire length of the street Right-of-Way. Street trees shall be provided on both sides of any street which is within a development. Street trees shall be planted at fifty (50) foot intervals within ten (10) to fifteen (15) feet of the street Right-of-Way. Street trees shall be located to enable Utility maintenance, required sight distances and visibility of street and traffic Signs. Species selection and location of street trees shall take into account maturity height and width in regards to firetruck and snow removal equipment ingress and egress as well as sidewalk obstructions.

#### **§ 210-138 DAY CARE CENTER**

Where permitted by right, a Day Care Center shall conform with the following requirements:

- A. Evidence of licensing by the Commonwealth of Pennsylvania shall be presented at the time of application and the licenses shall be maintained throughout operation of the day-care home.
- B. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individuals enrolled on a flat and useable portion of land. Off-street Parking Area shall not be used as outdoor play areas. Outdoor play areas shall not be located within the Front Yard.
- C. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any Public street. The drop-off area shall have direct access to the front door and shall be arranged so that the passengers do not have to cross traffic lanes.

#### **§ 210-139 DRIVE-THRU**

- A. No Drive-Thru window or the like shall be located in a Front Yard.
- B. The Drive-Thru shall have direct access to a Public Right-of-Way.
- C. A minimum of three (3) stacking spaces shall be provided for each Drive-Thru lane.



- D. Stacking shall not interfere with the normal traffic flow within the Lot nor shall it cause the stopping of vehicles on any Public Right-of-Way.

## **ARTICLE XXII**

### **NON-CONFORMING USES, STRUCTURES AND LOTS**

#### **§ 210-138 WHEN PERMITTED**

- A. Subject to the provisions of this Section, a Use of Building or land existing at the time of the legal adoption of this Ordinance may be continued even though such Use does not conform to the provisions of this Ordinance for the district in which it is located.

#### **§ 210-139 ABANDONMENT**

- A. A Non-Conforming Use of a Building or land which has been abandoned shall not thereafter be returned to such a Non-Conforming Use. A Non-Conforming Use shall be considered abandoned as follows:
1. When the intent of the owner to discontinue the Use is apparent; or
  2. When the characteristic equipment and furnishing of the Non-Conforming Use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts show intention to resume the Non-Conforming Use; or
  3. When a Non-Conforming Use has been discontinued for a period of twelve (12) months; or
  4. When it has been replaced by a conforming Use; or
  5. When it has been changed to another Use under permit from the Zoning Hearing Board.

#### **§ 210-140 ALTERATIONS**

- A. A non-conforming Building or Structure may be altered, improved, or reconstructed provided such work does not exceed 50% of the existing ground floor area of the Structure or other space occupied by the Use.

#### **§ 210-141 CHANGES**

- A. No non-conforming Building, Structure or USE shall be changed to another Non-Conforming Use. Conversion of non-conforming Buildings and Structures into residential Uses shall be permitted in residential districts as a Special Exception as granted by the Zoning Hearing Board under the following requirements:
1. The minimum Yard and area requirements are in accordance with the district in which said conversion is located.
  2. There shall be a maximum of four (4) living Units per converted non-conforming Building or Structure.
  3. Each living Unit contains a minimum of not less than six hundred and fifty (650) square feet of habitable living area.

4. Each living Unit contains not less than one (1) bathroom and three (3) habitable rooms, at least one (1) of which shall be a bedroom.
5. Separate and private sanitary facilities, separate cooking and dining accommodations are provided for each living Unit.
6. Fire and safety provisions are certified to be adequate by the Building Code Official.
7. A minimum of two (2) off-street PARKING SPACES are provided for each residential Unit.

**§ 210-142      Reserved**

**§ 210-143      DISTRICT CHANGES**

- A. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a difference classification, the foregoing provisions shall apply to any Non-Conforming Uses existing therein.

**§ 210-144      EXPANSION OF NONCONFORMING USE**

- A. A Non-Conforming Use may be expanded as a Special Exception where the Zoning Hearing Board finds after a Public Hearing that such Uses will not create a hazardous condition and will otherwise meet the following requirements:
  - 1 The expansion becomes an attached part of the main Structure and does not utilize additional or adjoining land area other than the original parcel.
  - 2 The extension does not encroach upon the Yard or height requirements of the district in which the Non-Conforming Uses is presently located.
  - 3 The extension is for the purpose of expanding only that Non-Conforming Uses in existence at the time of the legal enactment of this Ordinance.
  - 4 The expense of such an extension shall not exceed the fair market value of the Buildings or Structures existing at the time of enactment of the Zoning Ordinance.
- B. Extension of a lawful use to any portion of a non-conforming Building or Structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such Non-Conforming Use.

**§ 210-145      RECORDING**

- A. All Non-Conforming Uses existing at the time of the legal enactment of this Ordinance shall be recorded and maintained for Public Use in the office of the Zoning Officer.

**§ 210-146.      RESTORATION**

- A. Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued Use of any non-conforming Building or Structure damaged by fire, collapse, explosion or Act of God subsequent to the date of legal enactment of this Ordinance wherein the new restored Building or Structure is no greater than one hundred and fifty percent (150%) the floor area of the existing Building

or Structure at the time such damage occurred. The reconstruction of the destroyed or damaged Buildings shall be initiated within one (1) year of the date of damage.

**§ 210-147 UNLAWFUL USE NOT AUTHORIZED**

- A. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the illegal Use of a Structure or premises in violation of Township regulations in existence at the time of the EFFECTIVE DATE of legal enactment of this Ordinance.

**§ 210-148 UNSAFE STRUCTURE**

- A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any portion of a Building or Structure declared unsafe by a proper authority.

**§ 210-149 SINGLE FAMILY HOMES CONVERTED INTO DUPLEXES**

- A. A single-family home may be converted into a Duplex Unit if all the following circumstances are met.
1. The two Units must be separated by a fire wall approved by the Township's Building Code Official.
  2. No additional Building footprint is added to the original home in order to create the Duplex Units unless all Setbacks are met.
  3. The proposed Use shall be in keeping with the character of the neighborhood and shall not negatively impact surrounding properties.

## **ARTICLE XXIII**

### **LAND DEVELOPMENT**

#### **§ 210-150 INTRODUCTION**

- A. No Zoning certificate, Building permit or Occupancy Permit shall be issued for any Land Development as defined in this Ordinance until a Land Development plan has been submitted, reviewed, and approved in accordance with § 185-13 and § 185-16 of the West Deer Township Subdivision and Land Development Ordinance.

#### **§ 210-151 PLAN SUBMISSION PROCEDURE**

- A. A completed application packet shall be received no later than close of business on the last business day of each month to be considered for review at the following Planning Commission's regularly scheduled workshop meeting. Said packet shall be accompanied by a fee established by the Board of Supervisors to cover the cost of review.

#### **§ 210-152 APPLICATION REQUIREMENTS**

- A. The application shall consist of the items required by § 185-13 and § 185-16 of the Township's Subdivision and Land Development Ordinance.

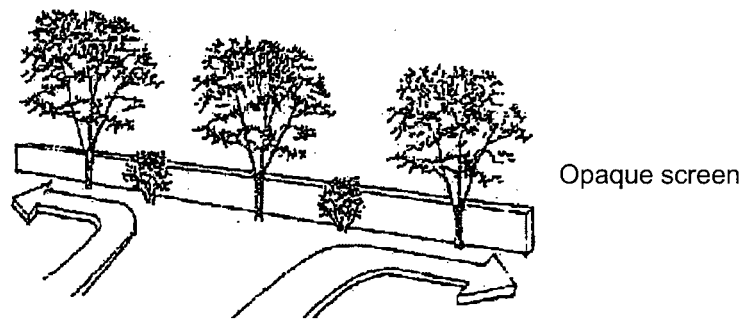
#### **§ 210-153 DEVELOPMENT STANDARDS**

The Planning Commission shall not recommend a Land Development Plan to the Township Board of Supervisors unless the following standards have been met:

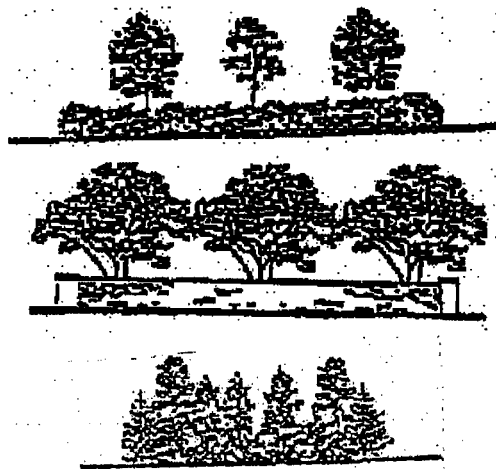
- A. Screening Requirements
  1. Every development shall provide sufficient Screening so that neighboring properties are effectively shielded from any adverse impacts of that development, or so that the new development shields itself from potential impacts from existing Uses already in operation.
  2. This section sets forth the type of Screening method required between various Uses in order to provide a mechanism to buffer potential negative impacts. To determine the type of Screening required (Type A, B or C) based upon the Screening Requirements Table included in the Appendix of this Ordinance, find the Use in the "Developing Use" column which is similar to the proposed Use to be developed, and follow that line across the page to its intersection with the type of Use(s) that adjoins the property to be developed. For each intersecting square that contains a letter, the Developer is required to install the level of Screening indicated.
  3. The three (3) basic types of screens that are required are as follows:
    - a) Opaque Screen, Type A - A screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude

all visual contact between Uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence or densely planted vegetation with fencing. Compliance of planted vegetative screens will be judged on the basis of the average mature height and Density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet (10') wide. Suggested planting patterns follow.

#### *Opaque Screen Type A*



Type A: Typical Opaque Screens



Small trees planted 30' on center  
6' high evergreen screening shrubs  
planted 4' on center

Large trees planted 40' on center  
6' high masonry wall

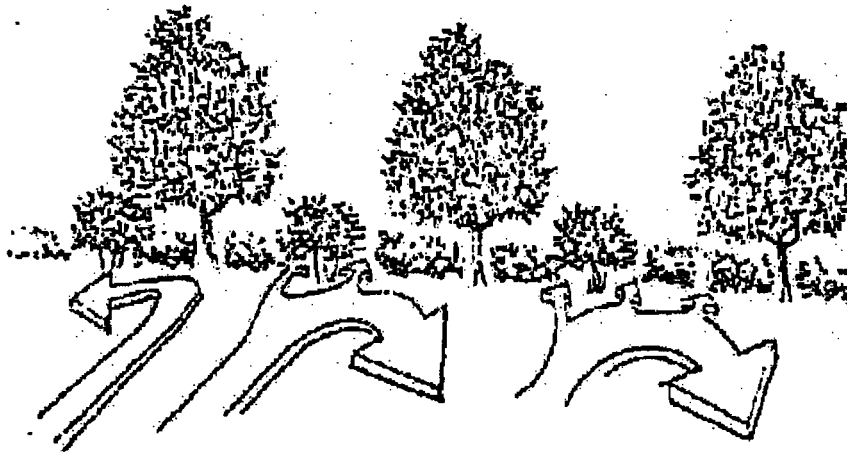
Tall evergreen trees, stagger planted  
with branches touching ground

- b) Semi-Opaque Screen, Type B - A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual obstruction for above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, or planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and Density of foliage of the subject species, or field observation of existing vegetation. At maturity, the

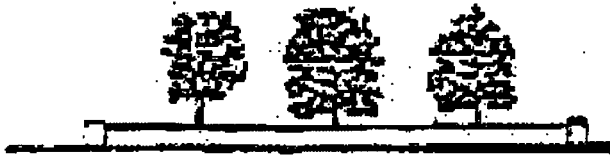
portion of intermittent visual obstructions should not contain any complete unobstructed openings more than fifteen feet (15') wide.

Suggested planting patterns follow:

*Semi-Opaque Screen, Type B*



Semi-opaque screen



Small trees planted 30' on center with 3' high wall



Small trees planted 20' to 30' on center on top of berm  
3' high berm with ground cover

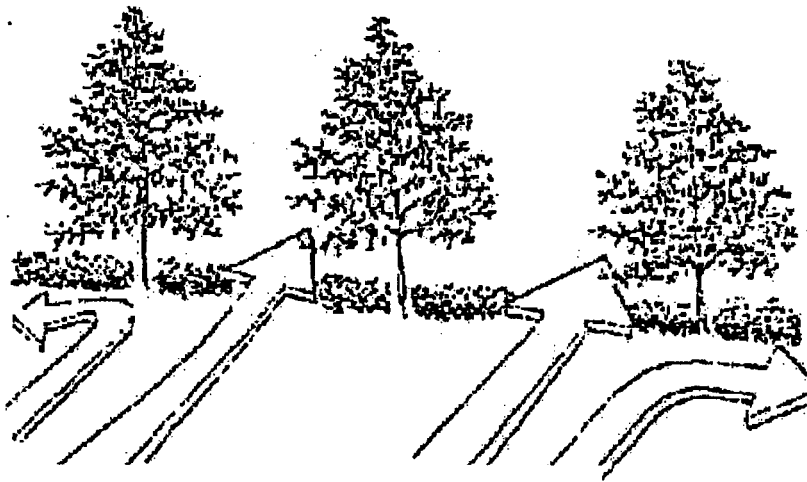


Large trees planted 40' on center  
3' high evergreen shrub hedge  
planted 3' on center

- c) Broken Screen, Type C - A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will

be judged on the basis of the average mature height and Density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns follow.

*Broken Screen Type C*



Broken screen



Small trees planted 30' on center



Small trees planted 30' on center

Open fence



Large trees planted 40' on center

Assorted shrubbery

4. The Screening requirements set forth in this Section shall be enforced unless otherwise specified in this Chapter.

An Applicant may satisfy Screening requirements, as outlined throughout this Chapter, by Use of the following alternative options:

- a) In the event that existing vegetation and/or existing topography provides adequate Screening, the Board of Supervisors, upon recommendation by the Planning Commission may determine that existing topography and/or vegetation constitutes all or part of the required Screening. If such a determination is made, the Applicant may be required to record a conservation easement of an area specified by the Board of Supervisors to guarantee that the existing topography and/or vegetation will not be disturbed or removed.
  - b) In the event that identified site-specific constraints do not provide a suitable area for the healthy growth of required Screening trees, as measured by a depth of less than six (6) ft from a property line, any one (1) required Screening trees may be substituted with three (3) shrubs and/or hedges, when mature, reaching a height of at least six feet (6’).
  - c) An Applicant may satisfy Screening requirements through a fee-in-lieu, as made available by the Township.
- 6. All planted Screening shall comply with West Deer Township’s Planting/Landscaping Appendix.
  - 7. For Buildings over thirty-five (35) feet in height, § 210-153.A.3.(a) shall apply with respect to the first thirty-five (35) feet in height. Above the thirty-five (35) foot height, Buildings shall be substantially screened from view of residential Structures within one thousand five hundred (1,500) linear feet of the Buildings. For purposes of this Ordinance, the term “substantially screened” shall mean intermittent obstructions which may include walls or fences, trees and/or earth mounding. Any earth mounding shall not exceed fifty percent (50%) of the required Screening area. The exposed sides of any earth mounding shall be appropriately landscaped. Any trees shall screen at least fifty percent (50%) of the remaining Structure above thirty-five (35) feet upon reaching full maturity. The property owner shall maintain all Screening.

B. Landscaping

- 1. Any part or portion of the site which is not used for Building, other Structures, loading or Parking Spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with the natural surroundings.
- 2. Any off-street Parking Area with five (5) or more spaces shall retain at least five percent (5%) of the total Parking Area for landscaping and shall



- be graded for proper drainage and shall be paved; and at least one shade tree, of at least two and one-half inch (2 ½ ") Caliper, shall be provided per every five (5) Parking Spaces. The grouping or spacing of such trees shall be reviewed as part of the landscape plan.
3. Any off-street Parking Area located in a required Front Yard shall be set back at least ten feet (10') from the road right-of-way, with the area between the right-of-way and the Parking Area maintained with mulch, gravel or other appropriate ground cover and landscaped with trees, shrubs or boulders, and in accordance with the landscape plan.
  4. All planted Screening shall comply with West Deer Township's Planting/Landscaping Appendix.
- C. Storage - Any article or material stored outside an enclosed Building as an incidental part of the primary Commercial or industrial operation, shall be so screened by opaque ornamental fencing, walls, or evergreen planting that it cannot be seen when viewed by a person standing on ground level during any season of the year. All organic rubbish or storage shall be contained in airtight, vermin-proof containers which shall also be screened.
- D. Lighting - It is the intent of this Part to provide for the control of lighting and Glare for all districts of the Township.
1. In any district, any operation or activity producing intense Glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one half (1/2) of one foot candle when measured at any residence district boundary line or any residentially developed property in a Commercial or industrial district. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any Lot lines.
  2. No Use shall produce a strong, flashing/flickering light or a reflection of a strong, flashing/flickering light beyond its Lot lines. In general, lighting fixtures that shield the reflector or lens or any high-brightness surface from viewing angles about sixty degrees (60°) from horizontal shall be utilized. Architectural lighting shall be recessed under roof overhangs or generated from concealed sources utilizing low-intensity light fixtures. The interior illumination of a canopy which permits any light to pass through is hereby banned. The illumination or lighting of freestanding and Building canopies, awnings and exterior auxiliary parts is prohibited, with the exception of flat-lens, full cutoff, downcast lighting, which may be mounted on the underside surface of a Structure, provided that it illuminates only the ground area beneath the Structure. For the purpose of this Ordinance, a "canopy" shall be defined as a covering over an area not enclosed by walls. An "awning" shall be defined as an overhanging projection extending from a Structure. An "auxiliary part" shall mean all exterior Structures, such as shelters, Porches, Decks, colonnades, arbors, trellises, and pergolas.
  3. All outside lighting, including Sign lighting, shall be focused away from adjacent streets and properties and shall be directed in such a way as not to create a nuisance to any adjacent Use and roadway. All luminaries and

fixtures hereafter constructed, installed, changed or remodeled shall be equipped with a Glare shielding device, full cutoff downward cast in the case of freestanding area lighting. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of three and one half (3 ½) foot-candles with a maximum intensity at any given point on the ground of twelve (12) foot-candles, unless otherwise approved by the Board of Supervisors. A four-hundred (400) watt maximum shall apply to any light source.

4. In any district all pole mounted illumination or lighting over six feet in height or any wall mounted illumination or lighting supported by brackets or pole arms over six feet in height, hereafter constructed, installed, changed or remodeled shall be "full cut-off lighting" with flush or recessed lens caps only. All light fixtures shall be mounted parallel to the ground. Full cut-off lighting shall be defined as the type lighting fixture designed to provide a light distribution so that the candela at ninety (90°)/above nadir is zero (0) and less than ten percent (10%) of rated lumens at eighty (80°)/above nadir.
5. The height of a luminaire shall be limited as follows:
  - a) In any residential district, the maximum height permitted shall be twenty (20) feet.
  - b) In any other district, the maximum height shall be thirty (30) feet.
6. Ball diamonds, playing fields and tennis courts have a unique requirement for nighttime visibility may be exempted from subsections (a) through (h) if, in the judgment of the Board of Supervisors, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential Uses.
7. The Board of Supervisors shall also retain overall supervision of issues pertaining to enforcement of lighting and Glare regulations and may grant modifications from the lighting and Glare, regulations contained in this Chapter.
8. All lighting shall be completely shielded from traffic on any Public Right-of-Way and from any residential district.

E. Interior Circulation - The interior circulation of traffic in Commercial and industrial areas shall be designed so that no driveway, or access land providing Parking Spaces, shall be used as a through street.

F Loading Areas - Areas provided for the loading and unloading of delivery trucks and other vehicles, and for the servicing of BUSINESSES by refuse collections, fuel and other service vehicles, shall be located at the side or rear of all Buildings, unless topographic constraints prevent their location, shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the Use of access ways or automobile parking facilities.

G Emergency Access:

1. The Applicant shall demonstrate to the satisfaction of the Board of Supervisors that all Buildings shown on the Land Development plan can be adequately accessed by emergency vehicles and equipment.

Emergency access shall be required for the purpose of positioning fire-fighting equipment or other emergency vehicles in relation to the Building so that the equipment can be effectively used. Emergency access may be provided by a means of a fire lane, a Public or private street, a driveway or aisle in a Parking Area or an unobstructed landscaped area.

2. Emergency access shall be provided on at least one (1) side of each Building. The Board of Supervisors may require emergency access to be provided on more than one (1) side of a Building, if warranted by site conditions, and the layout of the Land Development plan.

#### H. Access Driveways and Streets

1. All required permits for State, County and/or Township highways and roads must be obtained prior to final approval.
2. Driveways shall be separated by a distance of at least one hundred twenty five feet (125') between center lines, as measured at the point of intersection with the street right-of-way.
3. No driveway shall be located closer than one hundred and twenty-five feet (125') from an intersection of any State, County or Township right-of-way.
4. The width of any entranceway leading from a Public Right-of-Way shall not exceed thirty feet (30') at the point of intersection with the Public Right-of-Way.
5. Streets shall intersect at ninety degree (90°) angles, except where topographic constraints prevent an appropriate alignment. Angles less than ninety degrees (90°) may be designed, subject to the approval of the Planning Commission. In no case shall proposed streets intersect at an angle less than seventy-five degrees (75°).
6. All streets, rights-of-way and pavement designs shall conform to the requirements adopted by the Township Board of Supervisors in effect at the time of construction.

#### I. Traffic Control

1. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any adopted Township traffic study.
2. Should an official traffic study not exist for the Township, the Developer may be required by the Township to complete such a study for development that generates more than one hundred (100) average daily trips and which said study shall address the development and specific traffic problems. Requirements for said traffic study shall be as defined by the Township.
3. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings, and Signs.
4. The plan for traffic control shall provide off-site traffic flow and safety. The Developer shall be responsible for the construction of any such traffic control devices.

- J. Stormwater Management - A Stormwater Management plan shall be developed which conforms to the Township's Stormwater Ordinance as amended, see Chapter 182 of the Township Code.

§ 210-154      **RESERVED.**

## **ARTICLE XXIV**

### **ADMINISTRATION AND ENFORCEMENT**

#### **§ 210-155 ADMINISTRATION**

- A. A Zoning Officer shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises and the issuing of Zoning and Occupancy Permits. No Zoning or Occupancy Permit shall be issued by said Officer except where the provisions of this Ordinance have been complied with. The Zoning Officer shall be appointed by the Board of Supervisors.

#### **§ 210-157 ZONING PERMIT**

- A. When Required - No Building or Structure shall be Erected, added to, placed upon property, or structurally altered until a permit therefore has been issued by the Zoning Officer. Construction and/or Alteration as authorized by an approved permit shall begin within the period of one hundred and eighty (180) days of the date of issuance, otherwise, the permit is null and void. If Zoning requirements change a maximum of one (1) ninety (90) day extension may be granted. All applications for Zoning Permits shall be in accordance with the requirements of this Ordinance, and unless a Variance is granted by the Zoning Hearing Board, no such permit shall be issued for any Building where said construction, addition or Alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- B. Matter Accompanying Applications - There shall be submitted with all applications for Zoning Permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the Lot to be built upon, the exact size and location of the Building on the Lot and accessory Buildings to be Erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.
- C. Fee - One (1) copy of such layout or plot plan shall be returned when approved by the Zoning Officer together with the permit to the Applicant upon a payment of a fee as predetermined from the Fee Schedule adopted by the Board of Supervisors.

#### **§ 210-158 OCCUPANCY PERMIT**

- A. When Required - New construction, Alteration, placement, remodeling, change of Use of Building or land under the provisions of a Zoning Permit shall not be occupied until an Occupancy Permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within thirty (30) days of receipt of the request for the proposed Use provided the Use is in conformity with the provisions of this Ordinance and other effective and applicable Ordinances. Zoning Officer refusal to issue an occupancy permit shall include a written statement to the Applicant containing reasons for such denial.
- B. Occupancy Permits are required for the following:
  - 1. Occupancy of a new Building, including a Mobile Home.

2. Occupancy and Use of a Building hereafter moved or altered so as to require a Zoning Permit.
  3. Change in the Use of an existing Building other than to a Use of the same type.
  4. Occupancy and Use of vacant land.
  5. Change in the Use of land except to another Use of the same type.
  6. Any change in Use of a Non-Conforming Use.
  7. A change of occupants or owners in an existing Building.
- C. Occupancy Permits shall state that the Building or the proposed Use of a Building or land complies with all provisions of law and of this Ordinance and all other ordinances of the municipality. Occupancy Permits are deemed to authorize and are required for both initial and continued occupancy and Use of the building and land so long as such Building and Use if in full conformity with the provisions of this Chapter.
- D. Fee - Application for an Occupancy Permit shall include the prescribed fee. Fees for Occupancy Permits shall be in accordance with the fees as predetermined from a Fee Schedule adopted by the Board of Supervisors.
- E. Inspections
1. All occupancy inspections consist of the following items:
    - a) An exterior visual inspection for any code violations will be performed.
    - b) Address identification numbers shall be visible from the road.
    - c) All properties with Public sewage shall contact sewage provider to obtain a dye test on the property and provide a copy of the test results to the Township.
    - d) All properties with private on-lot sewage shall comply with all applicable Allegheny County permitting requirements.
    - e) Any unsafe condition identified by the Township shall be corrected.
  2. Commercial occupancy inspections shall additionally include an interior inspection of life safety and accessibility items that correspond with the appropriate USE and occupancy class as designated by the International Building Code.
  3. Apartment Building and residential rental Unit's occupancy inspections when owners change shall additionally include an interior inspection comprising of life safety and health department items.

## **ARTICLE XXV**

### **CONDITIONAL USE**

#### **§ 210-159 POWERS AND DUTIES**

- A. The Board of Supervisors shall hear and decide upon requests for Conditional Uses which are permitted by this Ordinance, after review and recommendation of the Planning Commission and consistent with the MPC Section 603(c)(2), that the governing body may attach such reasonable conditions and safeguards, other than those related to offsite transportation or road improvements, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the MPC and the Zoning Ordinance. These conditions may include but are not limited to additional Setbacks. A Conditional Use shall be granted approval, predicated upon the submission of a written application demonstrating that the development:
1. Will not endanger the public health, safety, morals and general welfare if located where proposed, and that the Use will not deteriorate the environment and will meet all performance standards of § 210-153.
  2. Meets all other requirements of this Ordinance in the Zoning district where the Use is proposed;
  3. Is in general conformity with the Township's Comprehensive Plan; and
  4. Is an appropriate Use on the proposed site.

#### **§ 210-160 PROCEDURES**

- A. The landowner shall file with the Township Zoning Officer an application for the granting of a Conditional Use along with all required background information identified as part of the Conditional Use application to explain the development proposed and its compliance with the standards and criteria of this Ordinance. Said request shall be accompanied by a fee specified by the Board of Supervisors and shall be filed in triplicate.
- B. The Board of Supervisors shall transmit one (1) copy of the request as well as all documentation to the Township Planning Commission for recommendation.
- C. The Board of Supervisors shall initiate a Hearing within sixty (60) days of said request pursuant to Public Notice.
- D. The Board shall render a decision and inform the Applicant of said decision within forty-five (45) days of the Hearing date. If the governing body fails to render a decision within forty-five (45) days of the last Hearing before the governing body or fails to commence, conduct or complete the Hearing as provided in 908(1.2) of the MPC, the decision shall be deemed to have been rendered in favor of the Applicant. The governing body functions shall comply with the MPC Section 913.2.
- E. An Applicant for Conditional Use approval shall submit an illustrative site plan which will show, to scale:
1. The entire property to be developed;

2. The location, height and Use of all Structures; and
3. Topographical and natural features on the property.

## **§ 210-161 PERMIT EXPIRATION**

- A. Once a Conditional Use has received approval, the Applicant shall apply for a Building permit and/or Occupancy Permit within twelve (12) months from the date of approval, or the Conditional Use approval shall become null and void.
- B. The Board of Supervisors may, upon written request being filed by the Applicant at least thirty (30) days prior to the expiration, grant an extension of time, not to exceed twelve (12) months. Upon granting any extension of time, the Board shall ensure that the Conditional Use permit complies with all current ordinances and codes.

## **§ 210-162 CONDITIONAL USE STANDARDS AND CRITERIA**

- A. Each Conditional Use identified in Articles VII through XVII shall address the following applicable standards and criteria as identified. Additional conditions may be placed upon the Applicant by the Board of Supervisors as deemed necessary to provide for the health, safety, morals and general welfare of the community.
  1. Adult-Oriented Establishment
    - a) See Township Code of Ordinances - Chapter 65.
    - b) An Adult-Oriented Establishment shall not be located within 1,000 feet of a Place of Worship, Public, private, or parochial school, Public Library, child care center or Public park.
    - c) Signage shall conform with all applicable provisions of Section 126.
      - 1) In addition, wall Signs shall be the only permissible Sign type for Adult-Oriented Establishments.
      - 2) Moving, rotating, swinging, animated or flashing Signs of any kind shall be prohibited.
      - 3) Signage shall not display any nude, obscene, or graphic content.
    - d) Products shall be displayed only within the interior of the Building and windows shall be arranged so that no products are visible from the street right-of-way.
  2. Airport
    - a) A traffic impact study shall be prepared by a Transportation Engineer based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
      - 1) Minimum Lot size shall be fifty (50) acres.



- 2) The Airport may include Accessory Uses such as hangars, fuel storage and restaurant.
  - 3) All new Structures shall be separated by a minimum of one hundred feet (100').
  - 4) The perimeter of the property shall be fenced unless otherwise determined by the Board of Supervisors.
  - 5) The control tower or communication tower may be permitted to a maximum height of one hundred feet (100') unless otherwise approved by the Federal Aviation Administration.
  - b) All site plans, operation plans and other required plans shall be approved by the Federal Aviation Administration (FAA), State and County agencies prior to action by the Township.
3. Apartment
- a) Parking Spaces shall be located no more than three hundred (300) feet from the Apartment's primary entrance.
  - b) All Parking Spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.
  - c) If the Parking Area for an Apartment development is adjacent to an existing residential Lot, any Parking Areas that demand greater than thirty (30) automobiles, the following shall apply
    - 1) An additional ten (10) foot Setback shall be provided along the parking Lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
    - 2) A mound, a minimum of three and one-half (3 1/2) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped with plants that provide four seasons of buffer not including turf grass. The landowner and/or Developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent properties.
  - d) All dumpsters and/or waste collection areas shall be located a maximum of two hundred (200) feet from the further most residential Unit and shall be screened. Screening shall be a minimum of eight (8) feet in height with a minimum opacity of eighty percent (80%).
  - e) The primary vehicular entrance to the Apartments shall face the Public Right-of-Way.
  - f) No Apartment Building shall be located within the flight path of a runway facility of an Airport.
4. Automobile Rental
- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer.

Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- b) All Automobile Rental Establishments shall be located adjacent to an arterial road as identified by the Township.
- c) All Automobile Rental Establishments shall have a minimum Lot Area of one (1) acre.
- d) Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- e) All outdoor areas adjacent to a residence shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.

5. Automobile Sales/Service

- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- b) All Automobile Sales/Services shall be located adjacent to an arterial road as identified by the Township.
- c) Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
- d) All outdoor areas adjacent to a residence shall have exterior lighting reduced to fifty percent (50%) luminosity after 11:00 P.M.

6. Bed and Breakfast

- a) All service areas shall be located to the rear of the Lot and properly screened as per § 210-153.
- b) One (1) off-street Parking Space shall be provided for each room available for rent, in addition to those required for the Dwelling Unit.
- c) Plans for ingress, egress and internal traffic circulation on the Lot shall be reviewed and approved by the Township Engineer regarding public safety.

7. Billboards

- a) A Billboard shall be considered a Structure.

- b) A Billboard shall not be Erected within one thousand five hundred (1500) feet of the line of any academic school property. Required spacing shall be measured from a point perpendicular to the Structure along the front Lot line parallel to the centerline of the roadway to which the Billboard is oriented.
- c) On Limited Access Highways, a Billboard shall not be Erected within five hundred (500) feet of an interchange or safety rest area measured along a Limited Access Highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
- d) The minimum front, side and Rear Yard requirements applicable to a principal seas set forth within the Zoning district in which the Billboard is to be located shall apply to each Billboard Structure.
- e) No Billboard shall be Erected in such a manner as to block the view from the road or street of any existing Business identification Sign or residential or non-residential Structure.
- f) No Billboard shall be constructed that obstructs visibility within the clear sight triangle to a height of twenty five (25) feet from the average ground elevation of the Public street or road on which it is situated and shall not in any case obstruct or impede traffic safety. Average ground elevation shall be measured as the median between the high point and low point found within the clear sight triangle area.
- g) Billboards shall maintain a lateral minimum spacing of one thousand five hundred (1,500) feet between Billboard Structures. Required spacing shall be measured from a point perpendicular to the centermost point of the Billboard Structure along the front Lot line parallel to the center line of the roadway to which the Billboard is oriented. The Applicant shall document this spacing of any existing adjacent Billboards.
- h) Billboards may not be mounted on the roof or project above the parapet of a Building wall.
- i) A detailed plan shall be submitted which indicates Billboard size, number of faces, landscaping, construction types and site plan illustrating compliance with applicable Setbacks and Right-of-Way locations.
- j) The one (1) vertical support shall be capable of enabling the entire Sign face to be able to withstand a minimum sixty (60) miles per hour wind load.
- k) Size and Shape
  - 1) Billboard Signs shall not exceed sixty-four (64) square feet on any one parcel.  
The parcel must be a separate, subdivided tract, or Lot, and far enough away from adjacent properties so as to not effect or damage adjacent properties in case of collapse. All applications for Billboards must be submitted to the Planning Commission for review and consideration. Final approval is required by the Board

- of Supervisors.
- 2) The Billboard Structure may have SIGN faces placed back to back or in a V shaped configuration on a single Billboard Structure.
  - 3) A Billboard Sign face shall be independently supported and have vertical supports of metal which are galvanized or otherwise treated to prevent rust and corrosion.
- l) Landscaping Requirements
- 1) If the Billboard foundation is visible from the Right-of-Way, the entire base of the Billboard Structure shall be permanently landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
  - 2) Grass, sod or turf shall not be considered an acceptable plant for Use within landscaped buffer Yards.
  - 3) Landscaping shall be maintained by the Billboard Sign owner in an attractive and healthy manner in accordance with accepted conservation practices.
  - 4) Permanent landscaping shall form a base and/or backdrop to the Billboard Sign when practical in the opinion of the Zoning Officer.
  - 5) All grading shall be in accordance with West Deer Township and Commonwealth of Pennsylvania regulations.
  - 6) No bare earth cuts are permitted on a hillside.
  - 7) All earth cuts or fills are to be permanently seeded or planted to prevent erosion.
- m) Lighting
- 1) A Billboard with display lighting shall be constructed so that it does not Glare upon adjoining property and shall not exceed a maximum of zero (0.0) foot candle upon an adjoining Lot.
  - 2) No Billboard shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other properties because of movement, flashing or emitting noise. All display lighting shall be designed in accordance with PennDOT regulations.
  - 3) The Use of colored lighting for exterior spot lighting or uplighting is not permitted.
- n) Maintenance.
- 1) A Billboard Structure shall be entirely painted every three (3) years.
  - 2) Every ten (10) years, the owner of the Billboard shall have a structural inspection made of the Billboard by an engineer or an architect and shall provide to West Deer Township a certificate from an engineer or architect attesting that the Billboard is structurally sound.
  - 3) Inspections of the Billboard may be conducted by West Deer Township to determine compliance with the provisions of this Chapter.
  - 4) Billboards found to be in violation of this Chapter shall be brought

into compliance or shall be removed within 30 days upon proper notification by West Deer Township. Failure to comply shall be a violation of this Chapter.

- 5) Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the Structure.

8. Business and Technology Park (BTP)

- a) The minimum tract size, under single ownership, shall be forty-five (45) acres. Expansion of an approved BTP shall not be limited to a minimum Lot size.
- b) A Developer's Agreement shall be provided for the initial development of a BTP and any expansion of the BTP shall be consistent with the initial Agreement.
- c) The following Yard and area standards for individual Lots within the BTP shall be as measured from the wall of the Building or the end of the loading dock, whichever is closer to the property line:
  - 1) Minimum Lot size: .....1 ½ acres
  - 2) Minimum Lot width: .....150'
  - 3) Minimum Front Yard Setback:.....50'
  - 4) Minimum Side Yard Setback:
    - a. adjoining residential Use or Zoning district.....50'
    - b. adjoining non-residential Use or Zoning district..20'
    - c. street side on corner Lot: .....50'
  - 5) Minimum Rear Yard Setback: .....50'
- d) Building Height shall be regulated as follows:
  - 1) No Structure shall exceed five (5) stories above ground, or seventy-two feet (72') in height, whichever is less. Height shall be measured from the average ground finished elevation to top of parapet, except that all Structures on top of the roof, including cooling and water towers or stacks in connection with heating or ventilation, elevator equipment or satellite dishes situate on the roof shall not be factored into the measurement.
  - 2) F or any Structure which exceeds two and one-half (2 ½) stories above ground, or thirty-five feet (35') in height, and adjoins a residential Use or Zoning district shall be set back one hundred feet (100').
- e) Impervious Surface Ratio – The maximum impervious surface coverage of the buildable area of a Lot shall be eighty percent (80%). Impervious surfaces shall include all principal and Accessory Structures and paved areas.
- f) The maximum coverage of a Lot by all principal and Accessory Structures shall be sixty percent (60%).

9. Campground

- a) The area of land shall have a minimum area of five (5) acres.

- b) The minimum Lot or campsite shall be twenty (20) feet in width and forty (40) feet in length. The drive-through spaces shall be fifteen (15) feet in width and sixty (60) feet in length.
- c) Each Parking Space in a Campground, shall be improved with gravel or better covering as approved by the Township, in order to maintain a dust and mud-free condition.
- d) All Lots shall have water provided on site. A minimum of (50%) of all Lots shall have, sewage, and electricity provided on site. All remaining Lots shall have sewage, and electricity provided within (300) feet of each Lot.)
- e) Restrooms and sanitary facilities shall be provided to at least the minimum standards as outlined within PA Title 28 Chapter 19. Shower facilities shall be provided at a ratio of no less than 1 shower per 20 camp sites/spaces, with adequate Parking Areas adjacent thereto.
- f) Usable Open Space for common areas shall be planned and provided at convenient locations to provide at least two hundred (200) square feet per Lot. Such Open Space may include play yards, pools, and recreation Buildings but shall not be deemed to include Public facilities and open areas not accessible to the tenants.
- g) Refuse storage areas shall be provided in key areas throughout the park or Campground with provisions for Screening and collection.
- h) Each Campground shall be enclosed by a six (6) foot perimeter fence and by a landscaping strip of five (5) feet average width on the street side of the park. The Township may require a higher fence when the park abuts a residential area.
- i) There shall be a minimum of ten (10) feet Setback between the pads and the exterior perimeter boundaries.
- j) The street system shall be maintained in a well-graded, dust-free condition at all times.
- k) All utilities shall be placed underground.
- l) A secondary emergency exit shall be provided.
- m) A storm drain system shall be provided to accommodate run-off, both tributary to and originating within the recreational vehicle park or Campground, and to transfer said runoff to a satisfactory point of disposal. The storm drain system shall be constructed in accordance with improvement plans prepared by a Civil Engineer and approved by the appropriate Building official.
- n) A statement on the method of fire protection shall accompany each application, which shall be approved by the fire agency in charge before the application for a Use permit is scheduled on the agenda of the Planning Commission.

10. Cemetery

- a) The location of a Cemetery shall be as approved by the Township Board of Supervisors and shall be accessible from an approved street in the Township.

- b) The minimum Lot Area shall be twenty (20) acres; the maximum Lot Area shall be fifty (50) acres.
- c) All Structures shall be located no closer than one hundred feet (100') to any property line.
- d) No burial sites shall be located closer than fifty feet (50') to any property line.
- e) A drainage plan, showing the Lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- f) Plans for ingress, egress and internal traffic circulation on the Lot shall be reviewed and approved by the Township Engineer regarding Public safety. Any ingress/egress routes that involve roads owned by the state of county shall submit plans to the corresponding agencies. The traffic study shall be submitted to the Township. The traffic study shall minimally include intersection details, line of sight measurements, average traffic speed for morning and afternoon hours Monday through Saturday, and trips for morning and afternoons Monday through Saturday.
- g) Parking for Principal Structures such as chapels or mausoleums shall be provided in accordance with the parking requirements of this Chapter.
- h) All outdoor storage of equipment or material shall be screened from adjacent streets and properties.
- i) An additional ten (10) feet of Yard Setback with landscaping a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided to protect the surrounding residences from inappropriate light and other disturbances.
- j) At no time shall a corpse be exposed or visible from a Public Right-of-Way or adjacent Lot. The hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other disturbance or interruption.
- k) No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, Gases or solids is permitted.
- l) The owner(s) and operator(s) of a Cemetery shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination. The application shall provide proof of all licensing required in connection with operation of the Cemetery and shall comply with all applicable state and Federal regulations pertaining to Cemetery operation.

11. Communication Tower

- a) The Applicant who proposes to construct a new Communications Tower shall provide the Township's Building inspector and Code

Enforcement Officer with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing communication network by filling a gap in coverage.

- b) Collocation and Siting. Before an Applicant proposes to construct a new Communications Tower, the Applicant shall demonstrate that it attempted to locate the proposed antenna on an existing Communications Tower or other tall Structure. The procedure for ruling out this collocation requirement shall be followed by all Applicants proposing a new Communications Tower and is described below.

1) The Applicant shall contact all owners of surrounding Communications Towers and tall Structures within one (1) mile of the proposed Communications Tower in order to determine if the proposed antenna and related equipment can be located on an existing Structure. As part of the application, the Applicant shall demonstrate at least one (1) of the following reasons for forgoing collocation on an existing Communications Tower or other tall Structure.

- a. That the proposed Communications Antenna and related equipment would exceed the structural capacity of existing Communications Tower or other tall Structures.
- b. That the proposed Communications Antenna would cause radio frequency interference with other existing equipment on existing Communications Towers or other tall Structures.
- c. That the existing Communications Towers or other tall Structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its function.
- d. That the addition of the proposed Communications Antenna and related equipment would result in electromagnetic radiation from such Communications Towers exceeding standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
- e. That a commercially reasonable agreement could not be reached with the owner of the Communications Tower or other tall Structure.

2) An Applicant who can utilize any existing Communications Tower or other tall Structure shall make a good faith effort to utilize the existing Communications Tower Structure rather than construct a new tower and shall provide written proof of such good faith efforts.

3) If an existing Communications Tower or other tall Structures is within a one (1) mile radius of the proposed tower and the Applicant does not contact owners of such tall Structures or does not make a good faith effort



as described above, West Deer Township may deny the request for Conditional Use approval based on such inaction.

- 4) If the Applicant succeeds in co-locating an antenna on an existing Communications Tower or other tall Structure, the regulations applicable to Communications Antenna mounted or located on existing or newly constructed Buildings, light poles/standards or on Utility transmission poles and communications equipment Buildings /cabinets shall be adhered to.
- c) Co-locations and modifications that fall within the provisions of the Pennsylvania Wireless Broadband Collocation Act
- 1) The Pennsylvania Wireless Broadband Collocation Act applies to applications for modification, replacement and collocation that meet all of the following requirements:
    - a) The proposed collocation, modification or replacement may not substantially change the physical dimensions of the wireless support Structure to which the wireless telecommunications facilities are to be attached.
    - b) The proposed collocation, modification or replacement may not further increase the height of a wireless support Structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array, provided, however, that nothing herein shall preclude an Applicant from further increasing the height of a wireless support Structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array if permitted and approved by the municipality.
    - c) The proposed collocation, modification or replacement may not increase the dimensions of the equipment compound approved by the municipality.
    - d) The proposed collocation, modification or replacement complies with applicable conditions of approval applied to the initial wireless telecommunications facilities, equipment compound and wireless support Structure.
    - e) The proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support Structure.
  - 2) an application for replacement, collocation or modification of a wireless telecommunications facility or wireless support Structure entitled to processing under this section shall be reviewed for conformance with the Township's applicable Building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment, but shall not be subject to the issuance

of new Zoning or land Use approvals or review beyond the initial Zoning or land Use approvals issued for the previously approved wireless support Structure or wireless telecommunications facility. Replacement of wireless telecommunications facilities on existing wireless support Structures or within existing equipment compounds may be performed by the Applicant without obtaining Building or Zoning Permits from the Township.

- 3) Any Applicant proposing the co-location or modification of a non-tower WCF shall submit a Building permit application to the Township.
  - 4) **Timing.** Within 30 calendar days of the date that an application for a Commercial Communications Antenna is filed with the Township, the Township shall notify the Applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the Applicant to provide the information shall not be counted toward the Township's ninety-day review period.
- d) **Tower-based Facilities.** If the Applicant proposing a new communication antenna is not able to collocate on an existing tower or Structure, the following design criteria shall be adhered to:
- 1) **Standard of care.** Any tower-based facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based Facility shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township
  - 2) **Gap in coverage.** An Applicant for a tower-based Facility must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of facility being proposed is the least intrusive means by which to fill that gap in wireless coverage.
  - 3) **Setbacks.** The following Building Setbacks shall be adhered to by all Communications Towers:

- a) Towers shall be located on the Lot so that the minimum distance from the base of the tower to any adjoining property line is equal to one hundred percent (100%) of the proposed tower height.
  - b) Towers shall be set back a distance equal to one hundred ten percent (110%) of their height from any existing Building used for human habitation or by humans on a regular basis.
- 4) Height.
- a) Any tower-based facility shall be designed at the minimum functional height, which means the minimum height necessary for Wireless Communications Facility to fill a gap in coverage.
  - b) Tower height shall be measured from the top of the foundation to the top point of the tower or the top point of the Communications Antenna, whichever is higher. The total height shall not include required lighting rods and other safety devices as required by the Federal Communications Commission (FCC).
  - c) Under no circumstances shall a Communications Tower exceed two hundred fifty (250) feet in height.
  - d) Any tower-based Facility over 50 feet in height shall be equipped with an anticleimbing device, as approved by the manufacturer.
- 5) Lighting. Lighting for Communications Towers shall be in accordance with the following regulations.
- a) Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the FAA. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.
  - b) Any proposed security lighting for the accessory equipment Building or Structure shall be minimized as much as possible.
  - c) No lighting proposed shall project onto adjoining properties.
- 6) Access. If any new access to the Lot is proposed, the following regulations shall be adhered to:
- a) Where the Lot abuts or has access to an arterial road, access for maintenance vehicles shall be exclusively by means of the arterial roads. If possible, direct access from a Local Street shall be avoided.
  - b) Where applicable, the Facility owner shall present documentation to

the Township that the property owner has granted an easement for the proposed facility.

- c) At least one (1) Parking Space shall be provided for each tower.
  - d) The access drive to the Lot shall be at least twelve (12) feet in width and improved with material acceptable to the Township's Building Inspector and Code Enforcement Officer. No access drive shall be constructed of dirt or left in an unpaved state.
- 7) Fencing/Signage. If deemed necessary by the Township, fencing and/or signage may be required in accordance with the following regulations:
- a) If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate.
  - b) A security fence having a minimum height of six feet and a maximum height of eight feet shall completely surround any tower-based Facility greater than 50 feet in height, as well as guy wires, or any Building housing Facility equipment.
  - c) All tower-based facilities shall post a Sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the Facility shall be those required by the FCC, or any other federal or state agency
  - d) If high voltage is provided at the tower, Signs shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter of the site. The Signs shall say "Danger-High Voltage," and the words shall be legible from a distance of twenty (20) feet.
- 8) Abandoned Towers.
- a) Any abandoned or unused Communications Tower shall be removed by the owner within twelve (12) months of the date the antenna was abandoned or last used.
  - b) If a Communications Tower is abandoned, the owner shall be required to immediately notify the Township in writing of the abandonment.
  - c) Financial security. Prior to receipt of a Zoning Permit for the construction or placement of a tower-based Facility, the Facility Applicant shall provide to the Township and thereafter maintain financial security sufficient to guarantee the removal of the tower-based Facility. Said financial security shall remain in place until the tower-based Facility is removed.

9) Land Development.

In addition to the Conditional Use approval, all Applicants who propose a Communications Tower shall submit for approval a Land Development plan indicating antenna location, height and design, proposed access, drainage improvements with a stormwater management plan, and a landscaping plan in accordance with the provisions of this Ordinance.

10) Noise.

- a) Any noise generated from the communication tower or equipment shall not exceed sixty (60) decibels measured at the property line.
- b) Back-up generator testing shall only occur between the hours of 10 a.m. and 4 p.m. Monday through Friday.

11) Application Requirements. The Applicant proposing to construct a Communications Tower shall provide:

- a) Detailed construction drawings for review by the Township Building Inspector.
- b) Detailed certification from an engineer that the proposed installation will be constructed in accordance with all applicable international Building code standards and will have structural capacity to serve the devices, antennas and equipment mounted thereon.
- c) A map of West Deer Township together with all adjoining Townships indicating exact location of all other towers which they have or may have the potential to have collocation.
- d) A propagation study and all supporting data evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the Facility Applicant, the power in watts at which the Facility Applicant transmits, and any relevant related tests conducted by the Facility Applicant in determining the need for the proposed site and installation.
- e) Documentation demonstrating that the proposed tower-based Facility complies with all state and federal laws and regulations concerning aviation safety.
- f) Documentation demonstrating that the proposed tower-based Facility complies with all applicable standards in this Ordinance.

- g) Where the tower-based facility is located on a property with another Principal Use, the Facility Applicant shall present documentation to the Township that the owner of the property has granted an easement for the proposed Facility and that vehicular access will be provided to the facility.
- 12) Health and Safety Conditions. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased Setbacks.
- 13) Engineer inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a tower-based Facility, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed Facility's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the Structure. This certification shall be provided during the Conditional Use Hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any Building permits.
- 14) Visual appearance and land Use compatibility. Tower-based Facility shall comply with the Township's written aesthetic standards. In the absence of such standards, Tower-based facilities shall employ stealth technology which may include the tower portion to be painted silver or another color approved by the Township, or shall have a galvanized finish. All tower-based facilities and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the Use of a like facade to blend with the existing surroundings and neighboring Buildings to the greatest extent possible. Towers requiring guy wires as a part of the tower construction are prohibited in the Township. The Township's Board of Supervisors shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the Zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and Land Development design and construction principles, practices and techniques.
- 15) Additional non-tower facilities/antenna. As a condition of approval for all tower-based Facility, the Applicant shall provide the Township with a written commitment that it will allow other service providers to

co-locate non-tower antenna on the Tower where technically and economically feasible. The owner of a Tower shall not install any additional non-tower antenna without obtaining the prior written approval of the Township.

- 16) Wind. All tower-based Facility shall be designed to withstand the effects of wind according to the most recent standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-\_\_\_, as amended).
- 17) Related equipment. Either one single-story wireless communications equipment Building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding 10 feet by 20 feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing Commercial Communications Antenna(s) space on the tower-based wireless communications facility. Landscaping shall be provided along the perimeter of the tower base and transmitting equipment area to provide a visual screen or buffer for adjoining private properties and the Public Right-of-Way.
- 18) Retention of experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based facility and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The Applicant and/or owner of the Facility shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- 19) Timing of approval. Within 30 calendar days of the date that an application for a tower-based Facility is filed with the Township, the Township shall notify the Facility Applicant in writing of any information that may be required to complete such application. All applications for tower-based Facilities shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based Facility and the Township shall advise the Facility Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the Facility Applicant to provide the information shall not be counted toward the one-hundred-fifty-day review period.
- 20) Tower-based Facility's constituting Small Wireless Communications Facilities (SWFC) shall be subject to the following timelines:

- a) Tolling. Within ten (10) calendar days of the date that an application for a Small Wireless Communications Facility is filed with the Township, the Township shall notify the Applicant in writing of any information that may be required to complete such application. The shot clocks described below then reset once the Applicant submits the supplemental information requested by the Township. For subsequent determinations of incompleteness, the shot clock will be tolled if the Township provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.
  - b) Applications to Collocate Small Wireless Communications Facilities using Existing Structures. Within sixty (60) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.
  - c) Applications to Deploy a Small Wireless Communications Facilities on New Structures. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.
  - d) Batched Applications. If an Applicant files multiple siting applications on the same day for the same type of facilities, each application is subject to the same number of review days. However, if an Applicant files a single application for a batch that includes both collocated and new construction of Small Wireless Facilities, the longer 90-day shot clock will apply.
- 21) Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based Facility, as well as associated inspection, monitoring, and related costs.
- 22) Reimbursement for Right-of-Way (ROW) Use. In addition to application and permit fees and associated costs as described in this Ordinance, every Facility located in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for Use and occupancy of the ROW. Such compensation for ROW Use shall be directly related to the Township's actual



ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Facility shall pay an annual fee to the Township to compensate the Township for the Township's cost incurred in connection with the activities described above.

- 23) FCC license. Each person or entity that owns or operates a tower-based Facility shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- 24) Reservation of rights. In accordance with applicable law, the Township reserves the right to deny an application for the construction or placement of any tower-based Facility for numerous factors, including but are not limited to, visual impact, design, and safety standards.
- 25) Insurance. Each person or entity that owns or operates a tower-based Facility greater than 40 feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based Facility. Each person or entity that owns or operates a tower-based Facility 40 feet or less in height shall provide the Township with 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 each tower-based Facility. All such coverages shall be continuously maintained during the period that such tower-based Facility is in place and the certificate of insurance shall provide that the Township shall be given written notification at least 30 days in advance of the expiration or cancellation of such coverages.
- 26) Indemnification. Each person or entity that owns or operates a tower-based Facility shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based Facility. Each person or entity that

owns or operates a tower-based Facility shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based Facility. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- 27) Engineer signature. All plans and drawings for a tower-based Facility shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- 28) Sole Use on a Lot. A tower-based Facility shall be permitted as a sole Use on a Lot, provided that the underlying Lot is a minimum of 6,000 square feet. The Lot shall meet the minimum Lot Area of the district in which it is located. The minimum distance between the base of a tower-based Facility and any adjoining property line or Street Right-of-Way Line shall equal 100% of the proposed Facility Structure height or the minimum required Setbacks for the district, whichever is greater.
- 29) Combined with another Use. A tower-based Facility may be permitted on a property with an existing Use, or on a vacant parcel in combination with another Use, except residential, subject to the following conditions:
  - a) The existing Use on the property may be any permitted Use in the applicable district, and need not be affiliated with the Facility.
  - b) Minimum Lot Area. The minimum Lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based Facility, the equipment Building, security fence, and buffer planting if the proposed Facility is greater than 50 feet in height.
  - c) Minimum Setbacks. The minimum distance between the base of a tower-based Facility and any adjoining property line or Street Right-of-Way Line shall equal 100% of the proposed Facility Structure height or the minimum required set-backs for the district, whichever is greater. Where the site on which a tower-based Facility is proposed to be located is contiguous to an educational Use, child day-care facility or residential Use, the minimum distance between the base of a tower-based Facility and any such adjoining Uses shall equal 110% of the proposed height

of the tower-based Facility.

12. Contractor's Yard

- a) A Contractor's Yard shall have a minimum Lot Area of twenty thousand (20,000) square feet and a maximum Lot Area of two (2) acres.
- b) A Contractor's Yard shall have direct access to an arterial road as identified by the Township.
- c) All equipment supplies, materials and other apparatus shall be properly screened. Screens shall be constructed with an earth berm, landscaped buffer Yard, fence or wall with a minimum height of eight (8) feet in height and with a minimum opacity of eighty (80%) percent.
- d) All property boundaries adjoining an existing residence shall provide a landscaped buffer Y Yard of a minimum fifteen (15) feet in with. The buffer Yard shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- e) Grass, sod, lawn or turf shall not be considered an acceptable plant for Use within landscaped buffer Yards.
- f) A Contractor's Yard that adjoins a property containing an existing Dwelling Unit shall not begin mechanical operations until 7:00 A.M. and shall cease all mechanical operations by 9:00 P.M.

13. Convenience Store with Gasoline

- a) The minimum Lot Area for a Convenience Store with Gasoline shall be twenty thousand (20,000) square feet.
- b) No street entrance or exit shall be located within two hundred feet (200') of a street entrance or exit of any school, park or playground, Hospital, church, Public Library or Public or semi-public Buildings.
- c) The Convenience Store with Gasoline shall have direct ingress/egress to an arterial road as identified by the Township.
- d) A canopy over the Gas pumps shall be permitted, provided that:
  - 1) The canopy is not attached to the principal Building.
  - 2) The canopy shall not be enclosed.
  - 3) The canopy shall be located a minimum of fifty (50) feet from any property line or Street Right-of-Way.
  - 4) The canopy shall be removed immediately if the Principal Use is changed or discontinued.
- e) All authorized minor repair work, car washing and lubrication shall be conducted within a completely enclosed Building.
- f) All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed Building.
- g) Off-street parking shall be provided for a minimum of one (1) space for each employee on duty and employer plus three (3) spaces for each repair bay.

- h) Gasoline pumps shall be located at least forty (40) feet from the centerline of the right-of-way of any Public street.
  - i) All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
  - j) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
14. Country Club/Golf Course
- a) A traffic impact study shall be required to be submitted if the proposed Country Club/Golf Course in accordance with the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
  - b) All Parking Areas adjacent to an existing residential Use or residential Zoning District shall provide a screen with a minimum height of six (6) feet. Screens shall be constructed as earth berm, landscaped buffer Yards, fence or wall and should have a minimum opacity of eighty (80%) percent.
  - c) Golf holes shall provide a minimum safety Setback of fifty (50) feet between the outermost boundary of the golf hole and the nearest property line.
  - d) Service areas, maintenance areas/facilities and dumpster areas shall be screened from adjacent residences with a screen of a minimum height of eight (8) feet. Screens shall be constructed as an earth berm, landscaped buffer Yards, fence or wall and shall have a minimum opacity of eighty (80%) percent.
  - e) Exterior lighting for Parking Areas visible from adjacent residential Lots shall be reduced to fifty percent (50%) luminosity after 11:00 p.m.
15. Duplex.
- a) All Public utilities must be available.
  - b) Minimum Lot Area per Structure shall be 12,000 square feet.
  - c) Minimum Lot Width shall be 100 feet.
  - d) Minimum Yards shall be:
    - 1) Front Yard: 25 feet.
    - 2) Rear Yard: 40 feet.
    - 3) Side Yard (non-party-wall): 12 feet.
    - 4) Street side or corner Lot: 25 feet.
  - e) The proposed Use shall be in keeping with the character of the

neighborhood and shall not create an undue hardship on surrounding properties.

16. Funeral Home

- a) All off-street parking must be provided on the same Lot as the Funeral Home.
- b) Exterior lighting for Parking Areas shall be reduced to fifty percent (50%) luminosity after 11:00 P.M.
- c) Off-street parking shall be screened with an earth berm, landscaped buffer Yard, fence or wall within a maximum height of six (6) feet and a minimum opacity of eighty (80%) percent.
- d) Setbacks shall be consistent with surrounding development.
- e) All rooms available for funerals and viewing shall be located within the principal Building.
- f) Dumpsters shall be located in the Rear Yard and shall be screened with an earth berm, landscaped buffer Yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80%) percent.

17. Garage, Automobile Repair

- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- b) An automobile repair and Service Station shall have direct ingress/egress to an arterial road as identified by the Township or shall have a point of ingress/egress from a Public or private street within the Lot of a shopping center.
- c) All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed Building.
- d) All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed Building.
- e) All fuel, oil and other flammable substances shall be stored at least twenty-five (25) feet from any property line.
- f) Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.
- g) Individual Parking Spaces for automobiles undergoing repair or that have undergone repair must be arranged so that each space has access to and from an unobstructed paved area.

18. Gas and Oil Production

- a) Classifications:

- 1) A Well Pad which would be placed more than seven hundred fifty (750) feet from any existing Principal Structure, located off the property where the Well Pad is sited, may be permitted as a Conditional Use only in the R, RE, R-1, R-2, R-3 and I Zoning Districts provided such property upon which the Well Pad would be placed is ten (10) contiguous acres or more in size. Accessory pads and brine storage shall be located not less than seven hundred fifty (750) feet from any Principal Structure, located off the property where the Well Pad is sited.
- 2) A Shallow Well Site which would be placed more than three hundred (300) feet from any Principal Structure located off the property where the Shallow Well Site is sited, may be permitted as a Conditional Use only in the R, RE, R-1, R-2, R-3, R-4, C-2, S-U, and I Zoning Districts provided such property upon which the Shallow Well Site would be placed is 2 acres or more in size.
- 3) A Natural Gas Compressor Station or any similar facilities performing the equivalent functions which would be located more than one thousand two hundred (1,200) feet from any Principal Structure located off the property where the Natural Gas Compressor Station or similar facility is located may be permitted as a Conditional Use only in the R, R-1, and I Zoning Districts.
- 4) A Natural Gas Processing Plant or any similar facilities performing the equivalent functions which would be located more than one thousand two hundred (1,200) feet from any Principal Structure located off the property where the Natural Gas Processing Plant or similar facility is located may be permitted as a Conditional Use only in the I Zoning District.
- b) Preemption: The Township acknowledges that it is preempted by state law from regulating certain operational methods of the oil and gas industry.
- c) Application Criteria:
  - 1) The Conditional Use application shall be accompanied by a fee as established in the Township's schedule of fees. In addition, any direct costs associated with the review of an application or related studies will be paid by the Applicant. This includes any direct costs associated with hiring a third party to assist in the review of the application and related documents. Unpaid costs will be a basis for the Township to deny future applications for that Well Operator.
  - 2) Any modification to an existing and approved Shallow or Deep Well Site that materially alters the size, location, number of wells or accessory equipment or Structures, or shall require a new Conditional Use approval under this Ordinance. Like-kind replacements shall not require a Conditional Use approval modification.
- d) Pre-Application Conferences:
  - 1) Before submitting an application, the Applicant is strongly encouraged to meet with the Township staff to determine the

requirements of and the procedural steps and timing of the application. The intent of this process is for the Applicant to obtain necessary information and guidance from the Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

- 2) A pre-application conference is voluntary on the part of the Applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the Applicant in order to address the required permit submittals and are advisory only and shall not bind the Township to approve any application for a permit or to act within any time limit relative to the date of such conference.

e) Conditional Use Application:

- 1) The Applicant shall provide to the Township at the time of submitting its Conditional Use application:
  - a. A narrative describing an overview of the project including the property address(es), number of acres to be involved, the number of wells to be drilled, and the location, number and description of equipment and Structures proposed on the site.
  - b. A narrative describing an overview of the project.
  - c. The contact information of the individual or individuals responsible for the operation and activities shall be provided to the Township and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and all emergency providers.
  - d. A location map of the Shallow or Deep Well Site showing the location of Well Pads, Derricks, Drilling rigs, equipment and Structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and Use of the site. Such location shall be configured to allow the normal undisturbed flow of traffic on Public streets.
  - e. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any equipment and Structures and all permanent improvements to the site.
  - f. A narrative and map describing the manner and routes for the transportation, delivery and removal of equipment, machinery, water, chemicals and other materials used in the siting, Drilling, construction, maintenance and operation of the

Shallow or Deep Well Site. The narrative shall also state specifically the source of the water, expected gallons to be used per day, and the truck routes with approximate truck trips per day if trucking is to be used for the transportation. One truck trip shall be counted for each direction of travel either to or from the well site.

- g. A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Township streets utilized by the Applicant shall remain free of dirt, mud and debris resulting from site development activities; and the Applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of Applicant's usage.
- h. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan (the "PPC") has been provided to the Township and all emergency responders. The PPC shall be in compliance with the Pennsylvania Department of Environmental Protection Guidelines for the Development and Implementation of Environmental Response Plans and any applicable successor regulations.
- i. A statement that the Applicant, upon changes occurring to the operation's PPC, will provide to the Township and all emergency responders the dated revised copy of the PPC while Drilling activities are taking place at the Oil or Gas Well Site.
- j. Assurance that, at least 30 days prior to Drilling, the Applicant shall provide an appropriate site orientation and training course of the PPC for all emergency responders.
- k. A copy of the documents submitted to the DEP, or if no document has been submitted to the DEP, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
- l. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance with environmental requirements.
- m. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed Use.
- n. A Stormwater Management Plan for any access road constructed by the Well Owner/Well Operator providing for the regulation of surface water drainage consistent with any Township stormwater management ordinance in effect at the time such access road constructed. Such Stormwater Management Plan shall be reviewed and approved by the Township Engineer prior to the approval of any Conditional Use application for Oil and Gas Development.



- o. A copy of a water quality test on all water wells, developed springs and surface waters establishing the base chemical composition of all well and surface water supplies within three thousand feet (3,000') of any Well Pad prior to any Drilling. At a minimum, such tests shall be conducted to establish the presence and levels of bacteria/coli form, salt, brine, sulfur, hydrocarbons, including halogenated hydrocarbons, VOCs, SVOCs, methane, suspended solids, water production rate, radionuclides, pH, halogens, heavy metals and/or other contaminants commonly associated with Oil and Gas Drilling operations.
- p. A sound study shall be provided in accordance with Section § 210-162.A.18.(g)(6).
- q. All documents shall be furnished in both digital and paper format. All materials shall be dated on each page of the document for easy reference. This format shall be utilized for all updates, modifications or supplemental material not included in the application packet.
- r. A ten (10) year master plan shall be provided to the Township illustrating all proposed projects including Well Pads, above ground storage tanks with capacity, pipelines, gathering lines, pig launchers/receivers, compressor stations and processing plants. The master plan shall include a narrative describing the activities that will occur during construction and operation along with expected community impacts during each phase, including air, water, noise and light levels, traffic and roadway impact.
- s. The site plan shall be prepared by an engineer licensed in Pennsylvania and shall include the following:
  - 1. Any Structure or Building, existing or proposed.
  - 2. The access road.
  - 3. Location(s) of pipeline(s).
  - 4. Location(s) of water line(s).
  - 5. Location of stormwater facilities.
  - 6. Permanent tanks.
  - 7. Soil stockpiles.
  - 8. Erosion and sedimentation control measures.
  - 9. Vehicle Parking Areas.
  - 10. Equipment storage and staging areas.
  - 11. Locations and details of all fencing.
  - 12. Locations of proposed sound walls or barriers.
  - 13. Location and details of proposed landscaping features.

f) Conditions and Standards:

- 1) Well Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for development activities. For state and county roads located within the Township, Well Operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to the Township. Well Operator shall provide a transportation route map which depicts the roads to be utilized in the Township. The Well Operator shall inventory the condition of any Township roads to be used and shall provide video and photo documentation to the Township. The Well Operator shall also submit at the time of application a road restoration plan that indicates how the Well Operator plans to address damage to Township roads during construction and after construction is complete. Prior to the commencement of any activity at the approved Deep Well Site, the Applicant shall enter into a Township Roadway Maintenance and Repair Agreement (the "Repair Agreement") with the Township, in a form acceptable to the Township regarding maintenance, repair and bonding of Township roads that are to be used by vehicles for Oil and Gas Development activities. Without limiting the generality of the foregoing, the Repair Agreement shall address the bonding requirements to be imposed against the Applicant, in the Township's sole reasonable discretion, and shall identify the responsibilities of the Applicant to prepare, maintain, and repair Township roads, before, during, and immediately after Drilling operations associated with Oil and Gas Development. Corrective action shall be taken by the Well Operator as and when directed by the Township.
- 2) Well Operator shall take the necessary safeguards to ensure that all roads utilized remain free of dirt, mud and debris resulting from development activities and shall ensure such roads are promptly (within 24 hours) swept or cleaned of dirt, mud and debris. Ingress and egress points shall be located to comply with applicable PennDOT design standards, and shall meet transition grades, turning radii, and accommodate traffic capacity to provide for efficient movement.
- 3) Well Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted as reasonably determined by the Township, during periods of anticipated heavy or frequent truck traffic associated with development, Well Operator shall provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate Signs and/or other warning measures for truck traffic and vehicular traffic.

- 4) Well Operator shall not clear brush or trees by way of burning. However, Well Operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Well Operator is engaging in Oil and Gas Development. Copies of all applicable Allegheny County open burning permits shall be provided to the Township. In addition to the requirements of Allegheny County, the Well Operator shall supply a water truck at the site that is large enough to completely extinguish the fire if needed.
- 5) Before any Oil and Gas Development activities, the Township shall ascertain whether the Township's Police and Fire Departments have secured adequate information and training to deal with any potentially dangerous conditions that may result due to Oil and Gas Development activities. Emergency responders shall, upon request from the Township and at the Well Operators sole cost and expense, have on-site training orientation with respect to the PPC and providing adequate awareness information prior to Oil and Gas Development activities. The Well Operator will provide at least thirty (30) days' notice of on-site training and orientation. Such site orientation shall also be made available immediately after any substantial modification to the Oil and Gas Well Site, and not less than annually during the period when the Well Operator anticipates Drilling activities in the Township. An inventory of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, Gases and solids shall be updated annually and filed with the local fire departments. In addition, the Well Operator shall provide evidence of a contingency plan in the event of an emergency that is beyond the scope and/or expertise of local emergency responders which shall include the identification and location of third party emergency responders with the ability to address such an emergency.
- 6) Well Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place. The dust control plans shall be approved by the Township prior to construction starting. The Township shall have the right to require additional dust control measures, up to and including stopping truck traffic, if dust control complaints arise.
- 7) Recognizing that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development, Well Operator shall locate its temporary and permanent operations where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Township Engineer will

- review the site plan with consideration of private property usage and future development.
- 8) At least ten (10) days prior to commencement of Drilling, the Well Operator shall provide to the Township Zoning Officer a copy of the Drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). Revocation of any federal, state, municipal, or other required approvals applicable to the Use shall constitute an automatic revocation of the Conditional Use approval.
  - 9) The Well Owner/Well Operator shall provide the Township with contact information which will allow its representatives to be contacted twenty-four (24) hours a day, seven (7) days a week to address emergencies, complaints, or other issues. Contact information shall also be clearly posted at the entrance to the site.
  - 10) Hours of permitted construction of the proposed Well Pad, access road or other Gas Well facilities shall be limited to 7:00 a.m. to 6 p.m. Monday through Saturday only, excluding Holidays. However, 24-hour Drilling and fracturing shall be permitted.
- g) Design and Installation:
- 1) Access.
    - a. Access to any Oil or Gas Well Site shall be from an arterial or Collector Street.
    - b. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
    - c. Well Owner or Well Operator must install and maintain any access road constructed to access a Deep Well Site in such a manner to ensure a paved surface for at least Two Hundred Feet (200') of its intersection with any Public or private road.
    - d. The Well Owner/Well Operator must construct and maintain a "tire cleaning surface" consisting of a minimum of One Hundred Feet (100') of #3 PennDOT approved stone having a depth of not less than Six Inches (6") leading to the paved portion the access road leading to all intersections with any Public road or Collector Street during construction for Drilling operations.
    - e. The Well Owner/Well Operator shall establish and perform a minimum once a day routine cleaning/sweeping of the paved access road surface while the Well Pad is in operation. Cleaning/sweeping of access roadway and Public road surfaces shall be monitored and addressed when dust, debris, or mud are present.
    - f. The Township has the right to stop truck traffic if mud and/or dust conditions pose a safety hazard.
  - 2) Structure Height.
    - a. Permanent Structures associated with an Oil and Gas Well Site, both principal and accessory, shall comply with the height

- regulations for the Zoning district in which the Oil or Gas Well Site is located.
- b. Permanent Structures associated with Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with the height regulations for the Zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
  - c. There shall be an exemption to the height restrictions contained in this section for the temporary placement of Drilling rigs, drying tanks, and other Accessory Uses necessary for the actual Drilling or re-drilling of an Oil or Gas Well. The duration of such exemption shall not exceed the actual time period of Drilling or re-drilling of an Oil or Gas Well. Provided further the time period of such drilling and exemption shall not exceed 6 months. The Well Operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.
- 3) Setbacks.
- a. Drilling rigs shall be located a minimum Setback distance of 1.5 times their height from any property line, Public or private street, or Building not related to the Drilling operations on either the same Lot or an adjacent Lot.
  - b. Except as otherwise set forth herein, Well Pads for the Oil or Gas Well Site shall comply with all requirements of the Zoning district in which the Oil or Gas Well Site is located.
  - c. Well Pads shall be set back One Thousand (1,000) feet from Buildings registered on the National Register of Historic Places or the Pennsylvania Register of Historic Places.
- 4) Screening and Fencing.
- a. Security fencing shall not be required at Oil or Gas Well Sites during the initial Drilling, or re-drilling operations, as long as manned 24-hour on-site supervision and security are provided. Video surveillance shall not constitute as on-site supervision.
  - b. Upon completion of Drilling or re-drilling, security fencing consisting of a permanent chain link fence with a minimum thickness gauge of eleven (11) shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid Impoundment areas, and other mechanical and production equipment and Structures on the Oil or Gas Well Site. All fencing surrounding liquid Impoundments shall meet and satisfy all OSHA requirements. Fence support posts shall be set in concrete embedded into the ground at the corners, gate posts, and spanning a distance not less than every twenty feet apart. Tension rods shall be 3/8 inch round steel bolt. Tension bars shall have a minimum thickness

of 1/4 x 3/4 inch. Adjustable tightness shall have a six (6) inch minimum take-up.

- c. Security fencing shall be at least six (6) feet in height equipped with lockable gates at every access point and having openings no less than twelve (12) feet wide for vehicle access and three feet (3') wide for pedestrian egress. There shall be no less than two (2) gates capable of vehicle access. Every two hundred fifty linear feet (250') of fence shall have either a vehicle access gate or a pedestrian egress gate.
- d. Emergency responders shall be given means to access the Oil or Gas Well Site in case of an emergency.
- e. Warning Signs shall be placed on the fencing surrounding the Oil or Gas Well Site providing notice of the potential dangers and the contact information in case of an emergency. Warning Signs shall be placed at a minimum on all sides of the fence and at every gate.
- f. In construction of Oil or Gas Well Sites, the natural surroundings should be considered and reasonable attempts made to preserve existing trees and other native vegetation.
- g. Evergreen trees are to be planted as Screening around the exterior of the fenced Well Pad area. The trees shall be of such a height when planted as to provide immediate Screening and shall be a minimum of eight feet (8') in height. The trees shall be placed in reasonably close proximity to the fenced in Well Pad area while considering maintenance of the fencing and the health and viability of the trees. All Screening shall be maintained for the life of the Well Pad.
- h. Landscaping shall be done in accordance with Article XXIII, Land Development, § 210-153, Development Standards except to the extent inconsistent with this Section.
- i. Landscape plans shall include tree species, Caliper size, initial planting height minimum, height at maturity, age of maturity, and spacing.
- j. A fencing detail shall be submitted to the Township for review. The detail shall include location, Height, type, gate location and details, and footing details.
- k. Natural Gas Compressor Stations and Natural Gas Processing Plants shall have Type A Screening enclosing the site. All options of Type A Screening shall have evergreen trees starting at a minimum of eight feet (8') in height. All Screening shall be maintained for the life of the station, plant or facility. The trees shall be placed in close proximity to the station, plant or facility while considering maintenance of the fencing and the health and viability of the trees. All ingress and egress points are exempt from Screening requirements.

1. All Road Frontage on Deep Well Sites, Natural Gas Compressor Stations and Natural Gas Processing Plants shall have a minimum of Type B Screening. Existing plantings may be used if present and identified on the landscape plan. All options of Type B Screening shall have either two and one-half inch (2.5") Caliper shade trees or evergreen trees starting at a minimum of eight feet (8') in height. The Road Frontage Screening shall take into account distances from the road, maturity height, maturity width, Utility lines, and salt tolerance. All Screening shall be maintained for the life of the Well Pad, station, plant or facility. All ingress and egress points are exempt from Screening requirements.
- 5) Lighting.
- a. Lighting at the Oil or Gas Well Site, or other facilities associated with Oil and Gas Drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the Glare on Public roads and nearby Buildings within 100 feet of the Oil or Gas Well Development.
  - b. Lighting at a Natural Gas Compressor Station and a Natural Gas Processing Plant shall, when practicable, be limited to security lighting.
  - c. A lighting plan that demonstrates compliance shall be submitted to the Township for review.
  - d. Any operation or activity producing Glare shall be conducted so that direct and indirect illumination from the source of light shall not cause illumination in excess of one half (1/2) foot candle when measured at any adjoining property line.
  - e. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any Lot lines.
  - f. Temporary waivers may be applied for specific times in the Drilling of the wells that require more illumination due to safety concerns of the workers and community. A waiver request shall include documentation including, specific lighting plans, expert testimony establishing the need for additional lighting to ensure safety and estimated time frame of needed additional lighting. The Township may require additional lighting/Glare Screening for adjoining properties if a waiver is obtained.
- 6) Noise.
- a. The Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil or Gas Well Development.
  - b. The Applicant shall establish by generally accepted testing procedures to the reasonable satisfaction of the Township, the continuous seventy-two (72) hour ambient noise level at the nearest property line of a residence or Public Building, school,

medical, emergency or other Public facility, or one-hundred (100) feet from the nearest residence or Public Building, medical, emergency or other Public facilities, whichever point is closer to the affected residence or Public Building, school, medical, emergency or other Public facility. In lieu of the Establishment of the ambient noise level established by the continuous seventy-two (72) hour test, the Applicant may assume and use, for the purpose of compliance with this Ordinance, a default ambient noise level of fifty (50) dBA from the hours of 8AM to 8PM and forty-five (45) dBA from 8PM to 8AM. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

- c. The Applicant shall provide the Township and its consultant documentation of the established ambient noise level prior to Conditional Use approval.
- d. The noise generated during the Oil and Gas Development or operation of the Natural Gas Compressor Station or the Natural Gas Processing Plant shall not exceed the average ambient noise level established in § 210-162.A.18(g)(6)b. by more than:
  - 1. 5 decibels during Drilling activities,
  - 2. 10 decibels during hydraulic fracturing operations.
  - 3. 5 decibels for a Natural Gas Compressor Station or Natural Gas Processing Plant
- e. Effective sound mitigation devices shall be installed to address sound levels that would otherwise exceed the noise level standards when located near a residence, Public Building, school, medical, emergency or other Public facilities.
- f. Complaints received by the Township shall be addressed by the Applicant, within twenty-four (24) hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or Public Building or one hundred (100) feet from the complainant's residential or Public Building, school medical, emergency or other Public facilities, whichever is closer. The Applicant shall report the findings to the Township and shall mitigate the problem if the noise level exceeds the allowable rate. If excess noise levels continue for three (3) days after the initial complaint is verified and no corrective action is taken the Well Owner/Well Operator shall cease operations until the noise level is at an allowable level.
- g. Natural Gas Compressor Stations and Natural Gas Processing Plants shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that



would otherwise exceed the ambient noise level standards in this Ordinance at residential or Public Building, medical, emergency or other Public facilities.

- h. All sound studies shall take in account all activities on site for each phase of the development. Activities include but are not limited to trucking, idling trucks, onsite generators and compressors, job trailer equipment, loading and unloading of trucks or equipment.
- i. The sound studies shall state if the study was done for a single well head activity or multiple well heads together. The number of well heads present in the study shall dictate the number of well heads being used or developed at the same time.
- j. If sound studies cannot establish that noise levels are capable of meeting a noise level under the maximum allowable standard, an engineered sound barrier or other engineered methods for sound mitigation shall be utilized to comply with the noise levels prescribed.
- k. Sound barriers when required shall be in place prior to all activities that would exceed the acceptable levels of noise as prescribed in the sound study.

H) Truck Traffic:

- 1) The Well Owner/Well Operator shall contact the local school districts and establish school bus curfews where no truck traffic will occur during the travel times of school buses. This will also include two (2) hour delays and early dismissals or school functions such as Homecoming and Prom depending on location of the Well Pad. It will be the obligation of the Well Owner/Well Operator to establish a system to comply with this requirement.
- 2) The Well Owner/Well Operator shall contact the Township and local Police Department to ensure all Township functions such as parades, community days or other community functions are also protected from truck traffic during those time frames.
- 3) The Well Owner/operator shall disclose an anticipated truck traffic report for each project/supporting operation. The report shall state the anticipated truck traffic per day, week and month.
- 4) Staging of trucks, truck escorts, or other methods approved by the Township shall be used to prevent excess concentrated truck traffic.
- 5) Compression releasing engine braking and Jake Brakes shall be prohibited. An exemption can be obtained in cases of steep slopes that pose safety concerns when appropriate documentation is provided to the Township. The operator is required to post "no engine brake" Signs at half (1/2) mile intervals on the truck travel routes.

- 6) The Well Owner/Well Operator shall provide traffic control, including flag men, traffic control devices and escorts during heavy periods of truck traffic or upon Township request, in order to maintain the safe flow of traffic along truck routes.
- 7) No streets serving exclusively residential neighborhoods shall be utilized.
- 8) The applicant shall submit a traffic impact study and description of the plan for transportation and delivery of equipment, machinery, water, chemicals, products, materials, waste products and other items that will be utilized or produced in the siting, Drilling, stimulating, completion, Alteration and operation of the Well Pad and any Accessory Use within the well site. Such description shall include documentation and expert testimony for the following.
  - a. A map showing the planned vehicular access route to the Well Pad, indicating all private access roads, all state, county, and local roads, bridges, and other transportation infrastructure that may be used, and the type, weight, number of trucks, and delivery schedule necessary to support each phase of the development and operation of the Well Pad.
  - b. Identification of any improvements to road infrastructure necessary to accommodate the proposed utilization associated with the well site.
  - c. The proposed routes shall be designed to ensure adequate capacity for existing and projected traffic volumes, allow for efficient movement of traffic, including appropriate turning radii and transition grade, and minimize hazards to users of Public roads and to adjacent property and human activity.
  - d. The Well Pad shall have access from an arterial or collector street as identified by the Township.
- i Impoundments
  - 1) An Impoundment is an accessory to a Well Pad and is located within the boundaries of the well site with the Well Pad that it services and other Accessory Uses.
  - 2) An Impoundment shall only be used to store Fresh Water.
  - 3) An Impoundment cannot be used to store Impaired Water (water used during the fracturing process).
  - 4) All Impoundments shall be surrounded by the fence that is required by this section to surround the entire well site.
  - 5) As an accessory to a Well Pad, the freshwater Impoundment shall only be used to service the Well Pad that it is accessory to and not as a centralized Impoundment facility or to service any other Well Pads.
- j Prohibitions

- 1) No Reserve Pits shall be permitted.
  - 2) No Injection Wells shall be permitted.
  - 3) No Drilling shall be allowed in the floodway or Floodplain designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
  - 4) No Impoundment shall be used for Impaired Water.
  - 5) No onsite worker housing shall be permitted.
  - 6) No onsite disposal of wastes of any kind shall be permitted.
- k) Insurance
- 1) Prior to any Oil and Gas Development, Natural Gas Processing Plants or Natural Gas Compressor Stations, operations or related site work, the operator shall furnish to the Township a Certificate of Liability Insurance naming the Township as an additional insured with respect to its operations conducted within the Township, showing proof of liability insurance covering Commercial, automobile, personal injury, and general liability in amounts not less than Twenty Five Million Dollars (\$25,000,000) per occurrence. The operator shall fully defend, protect, indemnify, and hold harmless the Township, its departments, agents, consultants, officers, employees, insurers or volunteers from and against claim, damages (including attorneys' fees) for personal injury and/or property damage arising from or related to the Well Owner/Well Operator's activities. The insurance coverage may consist of a combination of self-insurance, excess coverage and umbrella coverage.
- m) Surface and Ground Water:
- 1) If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the Well Owner/Well Operator shall submit to the Township, prior to the approval of any Conditional Use application, a deed of easement, release and right of entry agreement or similar document or agreement, signed by the adjoining property owner(s) and Well Owner/Well Operator, in a recordable form, evidencing such property owner's permission to discharge surface water onto their property. Such surface drainage shall be consistent with rule and regulations adopted and/or enforced by the DEP.
  - 2) Upon receipt of a written complaint from any property owner that the quantity or quality of the water supply for the property has been affected by the Drilling operations thereupon, the Township shall report the same to the Well Owner/Well Operator. Within ten (10) days of receipt of such written notice, the Well Owner/Well Operator shall perform a well recovery rate (flow) test for affected water wells or developed springs on

the property and shall submit the results of same to the Township and property owner. The Township shall immediately forward a copy of the original flow test results submitted as part of the Conditional Use application, together with the post-complaint flow test results to the DEP for disposition pursuant to the Oil and Gas Act, and any regulations associated with same.

- 3) In the event the DEP takes, or requires the Well Owner/Well Operator to take, remedial action to correct deficiencies in the water quality or quantity on the property, or if private remedial measures to correct deficiencies in the water quality or quantity on the property have occurred, the Township may declare the Drilling operations on the property to be a "public nuisance" pursuant to the Oil and Gas Act, and thereafter revoke or suspend any Conditional Use approval hereunder and pursue its right under law to restrain such conditions pursuant to the Oil and Gas Act.
- 4) Nothing in this section shall be deemed or construed to limit the ability or any affected property owner from making a complaint directly to the DEP or pursuing any other private action or claims, at law or in equity, in any court of competent jurisdiction regarding any water supply deficiencies caused, or alleged to be caused, by any Well Owner/Well Operator.
- 5) Well Operator, at Well Operator's sole cost and expense, shall test the effluent of all water wells and water sources used by any residence or Business within one thousand (1,000) feet of any Deep Well Site. The water test shall, at a minimum, establish the base chemical composition of such well and surface water supplies prior to the commencement of any Oil and Gas Development. All test results shall be provided, by certified mail, to the Township and to each owner of the surface rights to the real property upon which such water well or water source is located.

19. Home Based Business, Other

- a) There shall be no exterior evidence of the Use other than any wall Sign authorized by the Township.
- b) No persons other than residents of the Dwelling shall be employed on premise. For the purposes of this section, "employed" shall be defined as one who receives compensation for any kind of services performed in association with the home occupation. This compensation can be in the form of monetary compensation, rent or other compensatory consideration.
- c) No more than twenty-five percent (25%) of the Gross Floor Area of the Dwelling shall be devoted to the conduct of a home occupation.

- d) The Use shall not create any additional environmental impact other than those impacts, including but not limited to road infrastructure, traffic, garbage, water and sewage, normally resulting from residential Use.
- e) The Use shall not cause an increase in the Use of public safety or any other municipal services beyond that which is normal for an average residence in the neighborhood.
- f) The Use shall not require internal or external Alterations or construction features which change the fire rating of the Structure.
- g) There shall be no Use of materials or equipment except that of similar power and type normally used in a residential Dwelling for domestic or household purposes.
- h) There shall be no storage of materials or equipment outside an enclosed Building.
- i) The conduct of any Home Based Business, including but not limited to the storage of goods or equipment, shall not reduce or render unusable areas required for parking for the Dwelling Unit.
- j) The Use shall not create greater vehicular or pedestrian traffic than that which is normal for the residences in the neighborhood.
- k) All needs for parking generated by the conduct of a home occupation shall be provided for on the Lot.
- l) The home occupation shall not involve the Use of vehicles in excess of one (1) ton capacity or nine thousand (9,000) pounds gross vehicle weight for delivery of materials or merchandise to or from the premises, and such vehicles shall not be parked in the Lot's side or Rear Yards.
- m) There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup and/or delivery.
- n) A Home Based Business shall not involve the Use of advertising Signs on or off the premises or any other local advertising media which shall call attention to the fact that the home is being used for Business purposes other than a telephone listing or small classified ad briefly describing the service and providing only a telephone number.
- o) The following non-exhaustive list of Uses shall not be considered to be Home Based Businesses and shall be limited to the districts in which they are specifically authorized as principal or Conditional Uses:
  - 1) Animal Hospitals.
  - 2) Automobile sales, rental, service and repair shops.
  - 3) Beauty shops and barbershops containing more than one (1) chair.
  - 4) Clinics, Hospitals, nursing homes, group care facilities.
  - 5) Kennels.
  - 6) Funeral Homes.
  - 7) Private Clubs.

- 8) Private instruction to more than three (3) students at a time. (Excluding home schooling for students that live in residence).
- 9) Restaurants.
- 10) Keeping of horses.
- p) Day Care Homes, as defined in this ordinance, shall be considered a Home Based Business, provided that:
  - 1) All of the foregoing standards for a home occupation are met.
  - 2) Evidence of licensing by the Commonwealth of Pennsylvania shall be presented at the time of application and the licenses shall be maintained throughout operation of the day-care home.
  - 3) An adequate area for outdoor recreation shall be provided and shall be secured by a fence with a self-latching gate.
  - 4) A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any Public street.
- q) Any approved Home Based Business which requires any type of public access to the Dwelling must obtain all required approvals from the Pennsylvania Department of Labor and Industry and any other regulating authority.
- r) All Uniform Construction Code (UCC) requirements shall be followed including but not limited to accessibility.

20. Hospital

- a) A Hospital shall not be located within the flight path of a runway facility of an Airport.
- b) A Hospital shall utilize exterior lighting that does not pose a navigation hazard to an Airport. All exterior lighting shall be in conformance to the Airports or other United States Federal Aviation Administration (FAA) guidelines or standards.
- c) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- d) All Parking Areas adjacent to a flight path or runway approach of an Airport shall provide a minimum of one (1) landscaped island for every seven (7) Parking Spaces. All landscaped islands shall contain one (1) tree a minimum of two and one-half (2 ½") inches.

21. Kennel, Animal

- a) Such Uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential Lot and at least fifty (50) feet from any other property line or Public Right-of-Way as defined by this Ordinance.
- b) The minimum Lot Area shall be two (2) acres.
- c) Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred percent (100%) opaque fence on all sides which are visible from an existing residential Lot or a Public Right-of-Way.
- d) If adjacent properties are developed as residential Lots, the Kennels shall be soundproofed to minimize noise impact on adjacent properties.
- e) The Kennel shall be licensed by the Commonwealth of Pennsylvania, and shall comply with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Allegheny County Health Department.
- f) At no time shall the animals be permitted to run loose on the Lot other than in a completely enclosed area.
- g) Approval as a Conditional Use shall be subject to periodic inspections to insure compliance with the conditions of approval.
- h) Noise shall not exceed the levels deemed acceptable by the performance standards of this Chapter or the Township's Noise regulations.

22. Medical Clinic

- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- b) All paved areas shall be held to a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or Uses.
- c) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-162.A

23. Medical Marijuana Dispensary

- a) See § 210-131 Medical Marijuana Facilities.

24. Medical Marijuana Grow Center

- a) See § 210-131 Medical Marijuana Facilities.
25. Medical Marijuana Transport Vehicle Offices
- a) See Section 210-131. Medical Marijuana Facilities.
26. Military Related Facilities
- a) The minimum Lot Area of a Military Related Facility shall be twenty (20) acres.
  - b) Such Uses shall be located at least two hundred (200) feet from any property line adjoining a residential Use and at least one hundred (100) feet from any other property line or Public Right-of-Way as defined by this Chapter.
  - c) Side and rear buffer Yards shall be a minimum of twenty-five (25) feet in width and shall be planted with a combination of deciduous and evergreen trees and shrubs, ornamental grasses and groundcovers.
  - d) Grass, sod, lawn or turf shall not be considered an acceptable plant for Use within landscaped buffer Yards.
  - e) A traffic impact study shall be required to be submitted where the proposed development, which according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
  - f) The owner(s) and operator(s) of a military facility shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
  - g) The hours of operation for material pickup, delivery, outdoor processing and manufacturing shall be limited to between 7:00 A.M. and 9:00 P.M.
  - h) The storage of combustible materials shall be limited to thirty (30) feet in height.
  - i) All outdoor storage areas and loading areas shall be screened from an adjoining residential Lot. Screens shall be a minimum of eight (8) feet in height and shall be constructed as earth berms, landscaped buffer Yards with a minimum width of fifteen (15) feet, fences or walls with a minimum opacity of eighty (80%) percent.
27. Mobile Home Park
- a) Gross site area shall be a minimum of five (5) acres.
  - b) The minimum Yard, area and bulk requirements per Mobile Home Lot, shall be:
    - 1) Front Yard twenty-five feet (25')
    - 2) Side Yard twelve feet (12')
    - 3) Street side on corner Lot twenty-five feet (25')
    - 4) Rear Yard twenty-five feet (25')
    - 5) Accessory Use three feet (3')



- 6) Maximum height sixteen feet (16')
- c) Proposed Mobile Home Parks shall comply with all applicable provisions of state laws regulating Mobile Home Parks and all applicable standards and regulations set forth in this Chapter.
- d) Guest parking shall be provided in a common off-street Parking Area at the ratio of one (1) PARKING SPACE for every three (3) Mobile Home Lots.
- e) All Lots shall be serviced by Public sewer and water.
- f) Minimum Lot Width shall be forty (40) feet for single Unit Mobile Home and sixty five (65) feet for double Mobile Home Units.
- g) All dumpster areas shall be screened from all Lots and Public rights-of-way. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty percent (80%).
- h) All Mobile Home Parks shall provide sidewalks on both sides of a street (both Public and private Rights-of-Ways).
- i) The ground surface in all parts of each Mobile Home Park shall be graded and equipped to drain all surface water in a safe and efficient manner. Exposed ground surfaces in all parts of each Mobile Home Park shall be treated in a manner which will effectively prevent soil erosion and prevent the emanation of dust during dry weather.
- j) Mobile Home Park Lot requirements.
  - 1) The maximum number of Mobile Home Lots within each Mobile Home Park shall be not more than seven (7) Lots per acre of the total area of the Mobile Home Park.
  - 2) The minimum Mobile Home Lot size shall be not less than six thousand (6,000) square feet of area.
  - 3) All Mobile Home Lots shall abut on a street of the Mobile Home Park internal street system.
- k) A minimum of ten (10) percent of the gross area of the Mobile Home Park shall be provided for recreational space. This recreational space shall be suitable for varied outdoor recreational Uses. The Applicant will present assurances related to the responsibilities for land ownership, the construction and/or purchase of facilities or other features, and the perpetual maintenance of the above.
- l) Every Mobile Home Park shall provide a planting screen as per the requirements of § 210-153.A.
- m) The street system within a Mobile Home Park shall be designed and constructed according to required standards the West Deer Township Zoning Ordinance and the West Deer Township Subdivision and Land Development Ordinance.
- n) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of

service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- o) Mobile Home Lot improvements.
  - 1) Each Mobile Home Lot shall be provided with a permanent frost-free foundation and each Lot shall have available adequate provisions, such as anchor bolts and tie-down straps, to assure that each Mobile Home has available to it a means of securing the home to its site.
  - 2) Water supply and sewage disposal system connections shall be provided to each Mobile Home Lot within a Mobile Home Park.
- p) No Mobile Home subdivision or Land Development shall be approved until it has satisfied all applicable ordinances or regulations as identified by West Deer Township.
- q) The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased Setbacks.

28. Municipal Administration Facility

- a) Buffer Yards between a Municipal Administration Facility and adjacent residential Lots or a designated residential Zoning district shall be increased by ten (10) feet in width.
- b) Screening between a Municipal Administration Facility and adjacent residential Lots or a designated residential Zoning district shall be required as per § 210-153A. All utilities which service the Structure(s) shall be placed underground.
- c) As a part of all Land Development, the landowner and /or Developer shall provide a plan for photometrics of the Lot. Illumination, when measured at a LOT line, shall be a maximum of zero (0.0) foot-candle.
- d) Maximum height of outdoor lighting for both Parking Areas and roadways shall be twenty-five (25) feet.
- e) The proposed Use shall be in keeping with the character of the neighborhood and shall not create an undue hardship on surrounding properties.
- f) The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased Setbacks.

29. Nursing/Convalescent Care Facility

- a) The minimum site area required for nursing/convalescent care shall be one (1) acre.
- b) The site shall be served by Public water and Public sewers.

- c) All nursing/convalescent care shall be licensed by the Commonwealth of Pennsylvania.
- d) Water pressure and volume shall be adequate for fire protection and shall be referred to the local fire company for review and comment.
- e) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve (12') wide fire/emergency access route shall be provided around the perimeter of each Building. Topography or other characteristics of the site or the development that might affect the Use of emergency equipment between Buildings may dictate a greater separation of Structures. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.
- f) Nursing/convalescent care facilities shall have a bed capacity of at least twenty (20) beds but no more than two hundred (200) beds.
- g) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-153.A.

30. Office, Business, >5,000 sf. and <40,000 sf.

- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- b) Where feasible, no parking shall occur in the Front Yard.
- c) Parking Spaces shall be required to meet the cumulative requirements of the number of offices provided; no less than one (1) space per three hundred and fifty feet (350') of Gross Floor Area (GFA).
- d) All portions of the property not occupied by Structures or pavement shall be landscaped and well maintained.
- e) Screening between an Office or Business and adjacent residential Lots or a designated residential Zoning district shall be required as per § 210 162.A.
- f) All paved areas shall be a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or Uses.

31. Office, Business, >40,000 sf.

- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE)

standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- b) Buffer Yards between an Office or Business greater than forty thousand (40,000) square feet and adjacent residential Lots or a designated residential Zoning district shall be increased by ten (10) feet in width.
- c) Screening between an Office or Business and adjacent residential Lots or a designated residential Zoning district shall be required as per § 210-153.A.
- d) No parking shall occur in the Front Yard.
- e) Parking Spaces shall be required to meet the cumulative requirements of the number of offices provided; no less than one (1) space per three hundred and fifty feet (350') of Gross Floor Area (GFA).
- f) All portions of the property not occupied by Structures or pavement shall be landscaped and well maintained.
- g) All paved areas shall be a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or Uses.

32. Office, Medical

- a) Where feasible, no parking shall occur in the Front Yard.
- b) Parking Spaces shall be required to meet the cumulative requirements of the number of offices provided; no less than one (1) space per three hundred and fifty feet (350') of Gross Floor Area (GFA).
- c) All portions of the property not occupied by Structures or pavement shall be landscaped and well maintained.
- d) All paved areas shall be a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or Uses.
- e) Screening between a Medical Office and adjacent residential Lots or a designated residential Zoning district shall be required as § 210-153.A. The Township may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased s Setbacks.

33. Parking Areas

- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's

Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- b) All paved areas shall be a minimum of fifteen feet (15') from all property lines and shall be screened from adjacent residential properties or Uses.
- c) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-153.A.

34. Personal Services

- a) Parking Spaces shall be required to meet the cumulative requirements of the service provided as set forth in Section 210-120.
- b) All paved areas shall be screened from adjacent residential properties or Uses.

35. Place of Assembly

- a) The minimum Lot Area shall be one (1) acre.
- b) A Place of Assembly's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- c) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- d) The number of points of ingress/egress shall be based upon projected peak hour traffic for the Use and approved by the Township Engineer to ensure employee and visitor safety.
- e) Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- f) For parking demands greater than three hundred (300) automobiles, additional Setbacks, Screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

- g) No Place of Assembly shall be located within the flight path of a runway facility of an Airport.
- h) A Place of Assembly shall utilize exterior lighting that does not pose a navigation hazard to an Airport. All exterior lighting shall be in conformance to Airport's and United States Federal Aviation Administration (FAA) guidelines or standards.
- i) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-153.A.
- j) Adequate bathroom facilities shall be provided based off expected occupancy and Use. The Use shall determine if bathrooms are required to be permanent facilities or portable facilities. All state, county or local requirements for bathroom facilities shall be followed. The most restrictive shall govern.

36. Place of Worship

- a) The minimum Lot Area shall be one (1) acre.
- b) A Place of Worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- c) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- d) The number of points of ingress/egress shall be based upon projected peak hour traffic for the Use and approved by the Township Engineer to ensure employee and visitor safety.
- e) Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- f) For parking demands greater than three hundred (300) automobiles, additional Setbacks, Screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- g) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-162.A.
- h) No Place of Worship shall be located within the flight path of a runway facility of an Airport.

- i) A Place of Worship shall utilize exterior lighting that does not pose a navigation hazard to an Airport. All exterior lighting shall be in conformance with an Airport's and United States Federal Aviation Administration (FAA) guidelines or standards.
- 37. Planned Residential Development (PRD)
  - a) See § 210-101-§ 210-110.
- 38. Private Club
  - a) A Private Club serving alcohol shall not be established or operated within five hundred (500) feet of an existing school, public playground, Public park, residence, child care facility, Place of Worship or Place of Assembly.
  - b) A Private Club shall not be established or operated within three hundred (300) feet of an existing bar, nightclub or liquor store.
  - c) Swimming pools, outdoor gathering areas, or court game areas, if part of the operation, shall not occupy more than fifteen percent (15%) of the Lot, including Accessory Structures and areas thereto, shall not be closer than 100 feet from the nearest Lot line, shall meet all current State Health Department requirements, shall be surrounded by a permanent fence at least six (6) feet in height with secured access, and shall have all flood-lighting shielded from adjacent residential properties or streets.
  - d) Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
  - e) Parking for all meeting attendees shall be located on the subject Lot where the land Use occurs.
  - f) Parking Areas shall be screened from view of neighboring houses or those directly across the street from the Lot.
  - g) All Buildings on the Lot shall be set back at least thirty (30) feet from Side Yard lines and shall be no higher than forty-five (45) feet.
- 39. Public/Private Works Facility
  - a) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-153.A and provide a landscape buffer Yard of a minimum of fifteen (15) feet in width.
  - b) Grass, sod, lawn or turf shall not be considered an acceptable plant for Use within landscaped buffer Yards.
- 40. Quadplex
  - a) Buffer Yards between a Quadplex development and adjacent residential LOTS or a designated residential Zoning district shall be increased by ten (10) feet in width.

- b) Screening between a Quadplex development and adjacent residential Lots or a designated residential Zoning district shall be required as per § 210-153.A. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
- c) The primary vehicular entrance to the Quadplex development shall, at a minimum, have direct access to a collector road.
- d) Maximum height of outdoor lighting for both Parking Areas and roadways shall be twenty (20) feet.
- e) As a part of Land Development, the landowner and /or Developer shall provide a plan for photometrics of the Lot. Illumination, when measured at a Lot line, shall be a maximum of zero (0.0) foot candle.

41. Research and Development

- a) Any outdoor storage conducted on the Lot shall comply with the regulations for outdoor storage as defined in this Chapter.
- b) A research, testing and development facility shall have a minimum of one (1) point of ingress and egress to an arterial road.
- c) Hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- d) All interior driveways and Parking Areas shall be paved with a material to reduce dust.
- e) A research testing and development facility shall not be located within the flight path of a runway facility of an Airport.
- f) A research, testing and development facility shall utilize exterior lighting that does not pose a navigation hazard to an Airport. All exterior lighting shall be in conformance with Federal Aviation Administration (FAA) guidelines and standards.

42. Restaurant: With Drive Thru

- a) The Restaurant with Drive Thru shall have direct ingress/egress to an arterial road or main highway as identified by the Township.
- b) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
- c) Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from



detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

43. Retail/Business Store >10,000 sf. and <40,000 sf.
- a) Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
  - b) Building Setbacks shall be consistent with the current Zoning district or section 210-111 for developments adjoining Lots with existing Buildings.
  - c) Setback, Screening and buffering of parking and loading areas as well as outdoor Common Open Space shall be provided in accordance with this Ordinance.
  - d) Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to a maximum of zero (0.0) foot candle when measured from an adjacent property line.
  - e) All interior driveways and Parking Areas shall be paved within a material that reduces dust.
  - f) Grass, sod, lawn or turf shall not be considered an acceptable plant for Use within landscaped buffer Yards.
  - g) One (1) landscaped island for every seven (7) Parking Spaces shall be provided within all Parking Areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches diameter at breast height (dbh).
44. Retail/Business Store > 40,000 sf.
- a) Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
  - b) Building Setbacks shall be consistent with the current Zoning district or section 210-111 for developments adjoining Lots with the existing Buildings.
  - c) Setback, Screening and buffering of parking and loading areas as well as outdoor Common Open Space shall be provided in accordance with this Ordinance.
  - d) Light fixtures for the illumination of parking and service areas shall be designed to minimize illumination levels to a maximum of zero (0.0) foot-candle when measured from an adjacent property line.
  - e) All interior driveways and Parking Areas shall be paved within a material that reduces dust.
  - f) Grass, sod, lawn or turf shall not be considered an acceptable plant for Use within landscaped buffer Yards.
  - g) One (1) landscaped island for every seven (7) Parking Spaces shall be provided within all Parking Areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches diameter at breast height (dbh).

45. Roadside Stand
- a) A Roadside Stand shall comply with all applicable licensing requirements and regulations.
  - b) Parking Areas for customers shall be provided such that no parked vehicle is located within the Public Right-of-Way.
  - c) A Roadside Stand shall only operate during daylight hours; therefore, no exterior illumination shall be permitted.
46. School, Academic
- a) A public or private school shall not be located within the flight path of a runway facility of an Airport.
  - b) A public or private school shall utilize exterior lighting that does not pose a navigation hazard to an Airport. All exterior lighting shall be in conformance to an Airport's and United States Federal Aviation Administration (FAA) guidelines or standards.
  - c) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-153.A.
47. Self-Service Storage Facility (mini-warehouse)
- a) The minimum Lot Area required shall be five (5) acres.
  - b) The Lot shall have direct ingress/egress to a Public collector or arterial road, and points of ingress/egress shall not be through a road on which the current Use of the majority of Lots fronting on the road is single-family Dwellings.
  - c) Vehicular access to the Lot shall be limited to one (1) two-way or two (2) one way driveways from each arterial or collector road on which the Lot has frontage and which meets the requirements above.
  - d) All one-way driveways shall have a minimum of one (1) ten (10)-foot parking lane, plus one (1) fifteen (15) foot travel lane.
  - e) All two-way driveways shall provide a minimum of one (1) ten (10)-foot parking lane, plus two (2) twelve (12)-foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage Units.
  - f) All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
  - g) Parking shall be provided in accordance with the following requirements:
    - 1) Two (2) spaces for manager's office;
    - 2) One (1) space for each ten (10) storage Units equally distributed throughout the storage area; and
    - 3) One (1) space for each twenty-five (25) storage Units, which spaces shall be located near the manager's office to be used by prospective clients.

- h) A minimum eight (8) foot fence with a self-latching gate shall be placed on the interior side of each buffer Yard.
- i) The maximum Building Height shall be twenty (20) feet.
- j) The minimum distance from the face of any storage Building to the face of any adjacent storage Building shall be twenty-eight (28) feet for storage Units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage Units which are more than fifteen (15) feet in depth. The minimum distance from the end of any storage Building to the end of any adjacent storage Building shall be twenty (20) feet.
- k) The maximum length of any storage Building shall be two hundred (200) feet.
- l) The maximum size of any storage Unit shall be fourteen (14) feet wide, forty (40) feet deep and one (1) story and no more than twenty (20) feet in height. If storage Units are placed back-to-back, the maximum width of the Building shall not exceed forty (40) feet.
- m) Maximum Lot Coverage by all Buildings shall be forty percent (40%).
- n) Individual storage Units shall not be equipped with water or sanitary sewer service.
- o) No Business activity other than rental of storage Units shall be conducted on the premises.
- p) Operations shall be regulated so that nuisances such as visual blight, Glare, noise, blowing debris and dust shall not be created.
- q) Exterior finishes of the storage Units shall be compatible with the character of development on adjoining properties.
- r) The design of a self-service storage Building shall be sealed by an architect or engineer.
- s) No Signs shall be placed on the Buildings or on their rooftops.
- t) One (1) freestanding Business identification Sign shall be permitted which complies with the requirements of this Chapter for the Zoning district in which the Use is located.
- u) No hazardous materials or substances shall be permitted to be stored in the storage buildings other than those permitted by the local fire department. Both the landlord and the tenants of the storage Buildings shall be responsible for the prevention of the self-service storage of hazardous materials or substances in the storage Buildings that does not comply with the applicable fire codes.
- v) A minimum of one (1) fire hydrant shall be provided on the LOT subject to the approval of the number and location of hydrants by the local fire department, and the facility shall comply with all applicable fire codes.
- w) The owner(s) and operator(s) of a Self-Service Storage Facility shall incorporate best management practices (BMPs) for erosion and sedimentation control as described in the DEP Erosion and Sediment Pollution Control Program Manual (March 2012, as amended) to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

48. Social Clubs
- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.
  - b) A Social Club shall not be established or operated within five hundred (500) feet of an existing school, public playground, public park, residence, day care facility, Place of Worship or Place of Assembly.
  - c) All Structures, including accessory, shall be no closer than fifty feet (50') from any property line.
  - d) A Social Club shall not be established or operated within three hundred (300) feet of an existing bar, nightclub or liquor store.
  - e) A Social Club's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption.
  - f) Outdoor sound systems shall not be permitted.
  - g) All parking and service areas shall be located to the rear of the Lot and properly screened as per § 210-153.A.
49. Social Services Agency
- a) A social service agency shall not be located within the flight path of a runway facility of an Airport.
  - b) A social service agency shall utilize exterior lighting that does not pose a navigation hazard to an Airport. All exterior lighting shall be in conformance to an Airport or other United States Federal Aviation Administration (FAA) guidelines or standards.
50. Tavern/Bar
- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- b) A Tavern/Bar shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- c) Tavern/Bar hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption. Noise may also be regulated by other Township or Liquor Control Board regulations, the most restrictive shall govern.
- d) The owner(s) and operator(s) of a Tavern/Bar shall be responsible for the conduct and safety of the patrons.
- e) No more than one (1) identification Sign shall be permitted; said Sign shall be a ground or a wall Sign. The graphic area of the Sign shall not exceed forty (40) square feet.

51. Townhome

- a) Buffer Yards between a townhome development and adjacent residential Lots shall be increased by ten (10) feet in width.
- b) Screening between a townhome development and adjacent residential Lots or a designated residential Zoning district shall be required as per § 210-153.A.
- c) The primary vehicular entrance to the townhome development shall, at a minimum, have direct access to a collector road.
- d) Maximum height of outdoor lighting for both Parking Areas and roadways shall be twenty (20) feet in residential districts and twenty-five (25) feet in non-residential districts.
- e) The landowner and /or Developer shall provide a plan for photometrics of the Lot.  
Illumination, when measured at a Lot line, shall be a maximum of zero (0.0) foot-candle.

52. Veterinary Services

- a) No outdoor pens, Kennels or runs shall be constructed or provided.
- b) Noise shall not exceed the levels deemed acceptable by the performance standards of this Chapter or the Township's Noise regulations.
- c) Hours of operation shall be limited to between 8:00 A.M. and 8:00 P.M.
- d) Parking Areas for Veterinary Services located within a Village District Overlay and not adjacent to an arterial road shall be limited to a maximum of ten (10) Parking Spaces.

53. Warehouse/Distribution Center

- a) A traffic impact study shall be prepared by a Transportation Engineer and based on the Institute of Transportation Engineers' (ITE) standards and the requirements defined by the Township's Transportation Engineer. Such a study shall, at a minimum, identify the following: potential peak hour traffic volumes, average daily traffic volumes, existing level of service (LOS) and proposed level of service of proposed

development on the Township's roadway network. Upon assessment of the study's findings, the Township shall determine needed on-site and/or adjacent traffic improvements to accommodate projected volumes and/or level of service impacts.

- b) Warehouses should be located adjacent to an arterial road or main highway as identified by the Township.
- c) No idling of motors or engines shall be permitted between the hours of 9:00 p.m. and 7:00 a.m.
- d) All Structures shall be separated by at least fifty feet (50').
- e) All operations shall be entirely within an enclosed Structure.
- f) Outdoor storage of foods shall not be permitted.
- g) Loading and/or outdoor storage areas shall not be visible from a Public Right-of-Way or an adjacent residence. A landscaped buffer Yard with a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Buffer Yards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- h) Grass, sod, lawn or turf shall not be considered an acceptable plant for Use within landscaped buffer Yards.
- i) The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from dust and other disturbances.
- j) The landowner and /or Developer shall provide a plan for photometrics of the Lot.
- k) Illumination, when measured at a Lot line, shall be a maximum of zero (0.0) foot-candle.

54. Concentrated Animal Operation

Unless otherwise regulated by provisions of the Pennsylvania Right to Farm Act and/or other applicable Commonwealth of Pennsylvania laws, as amended, Commercial livestock operations are subject to the following provisions:

- a) All Buildings used for the housing of livestock shall consist of a solid concrete slab or slotted floor.
- b) Minimum Lot Area: 15 acres.
- c) Any Structure used for the housing, feeding and watering of livestock shall be set back 500 feet from any residential zone.
- d) The outdoor running of livestock shall be set back 25 feet from any property line or right-of-way line.
- e) The Applicant shall furnish qualified evidence that the proposed Use has an approved manure management plan that complies with the applicable PADEP guidelines. All subsequent operations on the site shall be required to strictly adhere to this approved manure management plan.

55. Concentrated Animal Feeding Operations (CAFO)

Unless otherwise regulated by provisions of the Pennsylvania Right to Farm Act and/or other applicable Commonwealth of Pennsylvania laws, as amended, Commercial stockyards or feedlots are permitted by Conditional Use, subject to the following:

- a) Minimum Lot Area - Ten (10) acres;
- b) All areas for the storage, feeding or keeping of animals shall be completely enclosed by a fence of sufficient strength and size to prevent the escape of animals. Furthermore, all such areas shall be set back at least two hundred (200) feet from any adjoining property, except that such areas shall be set back at least five hundred (500) feet from any land within any residential zone;
- c) All Uses shall have sufficient off-street loading (or stacking) space so as to prevent the back-up of vehicles on adjoining roads;
- d) Access - Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads;
- e) Traffic Impact - The Applicant shall furnish a traffic study prepared by a professional traffic engineer in accordance with Section the Subdivision and Land Development Ordinance;
- f) All animal wastes and/or deceased animals shall be properly stored and disposed of, so as not to be objectionable at the site's property line and so as not to become a nuisance to adjoining properties.

56. Halfway House

- a) The site shall be served by Public water and Public sewers.
- b) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve-foot-wide fire/emergency access route shall be provided around the perimeter of each Building. Topography or other characteristics of the site or the development that might affect the Use of emergency equipment between Buildings may dictate a greater separation of Structures. The parking and circulation plan shall be referred to local fire departments for comments regarding traffic safety and emergency access.
- c) A Halfway House shall have a bed capacity of at least 5 beds but no more than 20 beds.
- d) The design and size of the residential use's living quarter shall conform to all applicable state and standards/codes.
- e) Parking shall be provided on the same Lot upon which the Halfway House is located and be no more than three hundred (300) feet from any one bedroom.
- f) All Parking Spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.

- g) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-153.A.

57. All Other Residential Uses

- a) The site shall be served by Public water and Public sewers.
- b) Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve-foot-wide fire/emergency access route shall be provided around the perimeter of each Building. Topography or other characteristics of the site or the development that might affect the USE of emergency equipment between Buildings may dictate a greater separation of Structures. The parking and circulation plan shall be referred to local fire departments for comments regarding traffic safety and emergency access.
- c) The design and size of the residential Use's living quarter shall conform to all applicable state, standards/codes and Section 210-135.
- d) Parking shall be provided on the same Lot upon which the Use is located and be no more than three hundred (300) feet from any one bedroom.
- e) All Parking Spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- f) All property lines adjoining an existing residential Use or residential district Zoning classification shall be screened as per the requirements defined in § 210-110A.

58. Mixed-Use Apartment Building

- a) The site shall be served by Public water and Public sewers.
- b) Residential Units shall account for greater than 50% of the total floor area of a mixed-use Building but shall not exceed 85% of the Building's total floor area.
- c) Only the following non-residential Uses shall be permissible as incorporated within a mixed-use Apartment Building:
  - 1. Office, Business less than 5,000 square feet
  - 2. Retail/Business store less than 5,000 square feet
  - 3. Restaurant, no drive through less than 5,000 square feet
  - 4. Personal Services less than 5,000 square feet
- d) Off-street parking requirements as defined by this Ordinance for all Uses within the Lot may be reduced by twenty-five percent (25%).
- e) Parking Spaces shall be located no more than three hundred (300) feet from the Building's primary entrance.
- f) All Parking Spaces and driveways shall be surfaced with bituminous, brick, concrete or stone paving material to minimize dust.



- g) If the Parking Area for an Apartment development is adjacent to an existing residential Lot, any Parking Areas that demand greater than thirty (30) automobiles, the following shall apply:
  - 1) An additional ten (10) foot Setback shall be provided along the parking Lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.
  - 2) A mound, a minimum of three and one-half (3 1/2) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped with plants that provide four seasons of buffer not including turf grass. The landowner and/or Developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent properties.
- h) All dumpsters and/or waste collection areas shall be located a maximum of two hundred (200) feet from the further most residential Unit and shall be screened. Screening shall be a minimum of eight (8) feet in height with a minimum opacity of eighty percent (80%).
- i) The primary vehicular entrance to the Apartments shall face the Public Right-of-Way.
- j) No Apartment Building shall be located within the flight path of a runway facility of an Airport.

59. Group Care Home or Personal Care Home

- a. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles. Twenty-four-hour supervision shall be provided by staff qualified by the sponsoring agency.
- b. Adequate Open Space opportunities for recreation shall be provided on the Lot for the residents consistent with their needs, and the area shall be secured by a fence with self-latching gate.
- c. No Group Care Home or Personal Care Home shall be located within 500 feet of another existing or proposed Group Care Home or Personal Care Home.

60. Convenience Store, Neighborhood

- a. Gross Floor Area shall be no greater than 3,000 square feet.
- b. Screening between the Lot and adjacent residential Lots shall be required as per § 210-153.A.
- c. The minimum Front Yard Setback requirements shall be 25 feet or may be reduced to align with the Building Line of an existing Building located within 150 feet of the proposed Building. In no case shall the Front Yard Setback be less than 10 feet.

61. Day Care Center

- a. Evidence of licensing by the Commonwealth of Pennsylvania shall be presented at the time of application and the licenses shall be maintained throughout operation of the day-care home.
- b. An outdoor play area shall be provided, at a rate of fifty (50) square feet per individual enrolled, on a flat and useable portion of land. Off-street Parking Area shall not be used as outdoor play areas. Outdoor play areas shall not be located within the Front Yard.
- c. A safe area shall be provided for dropping off and picking up children which does not obstruct the free flow of traffic on any Public street. The drop-off area shall have direct access to the front door and shall be arranged so that the passengers do not have to cross traffic lanes.

62. Recreation Facility, Profit/Non-Profit

- a. Those Uses involving a majority of their activities being outdoors shall provide sufficient Screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- b. The Applicant shall provide expert evidence that the proposed Use will not be detrimental to the Use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution.
- c. Off-street parking shall be provided within the same Lot with a number of spaces sufficient to accommodate the proposed Use, as determined by an expert parking analysis.
- d. Parking Areas and vehicular access drives shall be arranged as to not obstruct the free flow of traffic on any Public street.
- e. Screening between the Lot and adjacent residential Lots or a designated residential Zoning district shall be required as per § 210-153.A.

## **ARTICLE XXVI**

### **WIRELESS COMMUNICATION FACILITIES**

#### **§ 210-163      SHORT TITLE**

This article shall be known as the "West Deer Township Wireless Communications Facilities Ordinance."

#### **§ 210-164      PURPOSES AND FINDINGS OF FACT**

A. The purpose of this article is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in West Deer Township. While the municipality recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the municipality also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

B. By enacting this article, the municipality intends to:

- (1) Regulate the placement, construction and modification of wireless communication facilities to protect the safety and welfare of the public;
- (2) Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of the public and wireless telecommunications operators in accordance with federal and state laws and regulations;
- (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of tower-based, non-tower based, and small wireless communications facilities in the municipality, including facilities both inside and outside the public rights-of-way;
- (4) Address new wireless technologies, including, but not limited to, distributed antenna systems, data collection units, and other wireless communications facilities;
- (5) Encourage the co-location of wireless communications facilities on existing wireless support structures rather than the construction of new wireless support structures;
- (6) Protect the public from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape;
- (7) Ensure that wireless communications facilities will be removed in the event that such wireless communications facilities are abandoned or become obsolete and are no longer necessary; and
- (8) Update the municipality's Wireless Communications Facilities Ordinance to incorporate changes in federal and state laws and regulations.

#### **§ 210-165      DEFINITIONS**

A. Certain terms used herein are defined at Part II, Chapter 210, Article IV, § 210-06, Definitions.

B. All language used herein shall be interpreted in accordance with Part II, Chapter **210**, Article **IV**, § **210-5**, Introduction.

C. Any terms not specifically defined shall be construed in their commonly accepted meanings.

## **§ 210-166 LAWS APPLICABLE TO ALL TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES**

A. The following laws shall apply to all tower-based wireless communications facilities:

(1) Procedures.

(a) Any applicant proposing construction of a new tower-based WCF shall submit plans to the West Deer Township Building Inspector and Code Enforcement Officer for review by the Planning Commission and for approval by the Board of Supervisors in accordance with the requirements of Part II, Chapter 210, Article **XXIII**, § **210-159**, et seq., Conditional Use.

(b) The applicant shall prove that it is licensed by the FCC to operate a tower-based WCF and that the proposed tower-based WCF complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

(2) Development requirements. Tower-based wireless communications facilities shall be developed in accordance with the following requirements:

(a) Permitted subject to conditions. Any tower-based WCF that is either not mounted on any existing support structure or is more than 25 feet higher than the support structure on which it is mounted is permitted in certain zoning districts as a conditional use, subject to the restrictions and conditions prescribed herein and subject to the prior written approval of the municipality. The Board of Supervisors may grant conditional use in accordance with the procedures and requirements of Part II, Chapter **210**, Article **XXIII**, § **210-159** et seq., Conditional Use.

[1] Siting. Tower-based WCF shall only be permitted in the following districts by conditional use, subject to the requirements and prohibitions of this article:

- [a] R Rural Estate District;
- [b] R-1 Rural Residential District;
- [c] R-2 Semi-Suburban Residential District;
- [d] R-3 Suburban Residential District;
- [e] R-4 Urban Residential District;
- [f] C-1 Neighborhood Commercial District;
- [g] C-2 Highway Commercial District;
- [h] I Industrial District;
- [i] SU Special Use District; and
- [j] BTP Business and Technology Park Overlay.

[2] Coverage or capacity. An applicant for a tower-based WCF must demonstrate that a gap in wireless coverage or capacity exists and that the type of WCF and siting being proposed is the least intrusive means by which to fill the gap in wireless coverage or capacity. The existence or nonexistence of a gap in wireless coverage or capacity shall be a factor in the municipality's decision on an application for approval of tower-based WCFs.

[3] Co-location. An applicant for a tower-based WCF must demonstrate there is not suitable space on existing wireless service facilities or other wireless service facility sites or on another sufficiently tall structure where the intended wireless service facility can be accommodated and function as required by its construction permit or license without unreasonable modification.

[4] Site plan. An applicant for a tower-based WCF must submit a full site plan to the West Deer Township Building Inspector and Code Enforcement Officer which shall include, but shall not be limited to, the following documentation and materials:

[a] Written authorization from the property owner of the proposed tower-based WCF site that such facility may be sited on the property; written authorization from the property owner consenting to the making of the application to the Township for conditional use; written acknowledgment from the property owner of being bound by § 210-163 et seq., the conditions of any site plan approval authorized by the Township, and all other requirements of the West Deer Township Code of Ordinances.

[b] A site plan that is drawn to scale and shows the following features: property boundaries; any tower guy wire anchors and other apparatus; existing and proposed support structures; scaled elevation view; access road(s) location and surface material; parking area; fences; power source(s); location and content of (any or warning) signs; exterior lighting specifications; landscaping plan; land elevation contours; existing land uses surrounding the site; proposed transmission building and/or other accessory uses with details; elevations; and proposed use(s).

[c] A written report that includes, but is not limited to, the following documentation and materials: information describing the tower height and design; a cross-section of the tower; engineering specifications detailing construction of the tower, base and guy wire anchorage; information describing the proposed painting and lighting schemes; information describing the tower's capacity, including, but not limited to, the number and type of antennas that it can accommodate; radio frequency coverage including, but not limited to, scatter plot analysis and the input parameters for the scatter plot analysis. All tower structure information shall be

certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania; and all wireless telecommunications data shall be certified by an appropriate wireless telecommunications professional.

[d] A written report, titled "Cost of Wireless Facilities Removal" certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania, detailing the total cost of removing and disposing of the tower, antenna, and all related facilities.

[e] All other uses ancillary to the tower-based WCF and associated equipment (including, but not limited to, a business office, maintenance depot, or vehicle storage) are prohibited from the tower-based WCF site unless otherwise permitted in the zoning district in which the tower-based WCF site is located.

[f] Where the tower-based WCF is located on a property with another principal use, the applicant has proven that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.

[g] An inventory of its existing wireless communications facilities, including, but not limited to, all tower-based, non-tower, and small WCF, that are either sited within West Deer Township or within 1/4 mile of the border thereof. Such inventory shall include specific information about the location, height, design, and use of each wireless communications facility. The municipality may share such information with other applicants applying for site plan approvals or conditional use permits under § 210-163 et seq., or other organizations seeking to locate wireless communication facilities within the municipality; provided, however, that the municipality is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

[h] An evaluation of the need for additional buffer yard treatments.

[i] Other information deemed to be necessary by the municipality to assess compliance with this section, or any other requirement under the West Deer Township Code of Ordinances, state law, or federal law or regulation.

(b) Underground district. A tower-based WCF shall not be located in, or within 300 feet of, an area in which utilities are required to be located underground.

(c) Prohibited in open space and conserved lands. Tower-based WCFs shall not be located within an open space or conserved land.

(d) Prohibited in environmentally sensitive areas. No tower-based WCF shall be located in, or within 500 feet of, the habitat of a threatened or endangered animal species.

(e) Sole use on a lot. A tower-based WCF may be permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.

(f) Combined with another use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another residential, industrial, commercial, institutional or municipal use, subject to the following conditions:

[1] Existing use. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the wireless communications facility.

[2] Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.

(g) Minimum setbacks for towers. If a new tower is constructed (as opposed to mounting the antenna on an existing tower or wireless support structure), the minimum distance between the tower and any property line or public right-of-way line shall be equal to the height of the tower plus the distance of the corresponding minimum yard setback (front, side and rear) for the zoning district in which the lot is located and any other additional requirements for that zoning district. Guy wires and accessory facilities must also satisfy the minimum zoning district setback requirements.

(h) Minimum setbacks for accessory structures. All tower-based WCF installations shall comply with the accessory structure setback requirements in Part II, Chapter **210**, Zoning, and shall be mounted in the rear yard or on the roof unless reception is inhibited or visibility increased.

(i) Separation. A tower-based WCF with a height greater than 90 feet shall not be located within 1/4 of a mile from any existing tower-based WCF with a height greater than 90 feet.

(3) Timing of determination. All applications for tower-based WCFs shall be acted upon within 150 days following the receipt of both: 1) a fully completed application for the approval of such tower-based WCF; and 2) a fully paid, nonrefundable application fee in an amount specified by the Master Fee Schedule. If the municipality receives an application for a tower-based WCF and such application is not fully completed, then the municipality shall promptly notify the applicant that the application is not complete and the time for the approval of such application shall not commence until a fully completed application is received by the municipality. Unpaid applications are incomplete and not duly filed with the Township.

(4) Notice. No later than 30 days following the submission of a fully completed application for a tower-based WCF and the scheduling of the public hearing (if required), the applicant shall mail notice to all owners of every property within a 500-foot radius of the proposed wireless communications facility. The applicant shall provide proof of mailing of the notification to the municipality within 15 days of completion of notification. If a public hearing is required, notice of any hearing before the Board of Supervisors shall be published in a newspaper circulating within West Deer Township at

least 10 days prior to the date of said hearing; any mailing of notices that may be required by the Board of Supervisors shall be completed at least 10 days before such hearing and the proof of mailing shall be provided to the municipality at least five days before such hearing. The preparation and cost of publication and mailing of any notice required for such hearing shall be at the cost and expense of the applicant. Proof of mailing to all required property owners shall be demonstrated by providing the municipality with a certificate or proof of mailing (United States Postal Service Form 3817 or 3877).

(5) Co-location.

(a) An application for a new tower-based WCF shall not be approved unless the municipality finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or wireless support structure.

(b) Any applicant proposing construction of a new tower-based WCF outside the public rights-of-way shall demonstrate to the satisfaction of the municipality, by written submission that a good faith effort has been made to obtain permission to mount the tower-based WCF antenna on an existing structure or wireless support structure. The Township may deny any application to construct a new tower if the applicant has not made a good faith effort to co-locate the antenna on an existing tower, structure, or other wireless support structure. A good faith effort shall require that all owners of potentially suitable towers, structures, or wireless support structures within a one-quarter-mile radius of the proposed tower-based WCF site be contacted and that the applicant certifies in writing to the West Deer Township Building Inspector and Code Enforcement Officer that one or more of the following reasons for not selecting such structure apply:

[1] The proposed WCF and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at reasonable cost;

[2] The proposed WCF and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at reasonable cost;

[3] Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function; and/or

[4] A commercially reasonable agreement cannot be reached with the owner(s) of such structure.

(6) Standard of care. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the communications Infrastructure Contractors Association (formerly, National Association of tower Erectors). Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified



maintenance and construction personnel, so that the same shall not endanger the life or safety of any person or damage any property in the municipality.

(7) Wind and ice. All tower-based WCF structures shall be designed to withstand the effects of wind and ice according to the standards promulgated by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended). All tower-based WCF structures shall also be designed and constructed to withstand the wind and ice loads for the place of installation in accordance with the Pennsylvania Uniform Construction Code.

(8) Height. Any tower-based WCF shall be designed and constructed at the minimum functional height. All tower-based WCF applicants must submit documentation to the municipality justifying the total height of the structure. In no case shall a tower-based WCF exceed a maximum height of 150 feet.

(9) Public safety communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(10) Maintenance. The following maintenance requirements shall apply:

- (a) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the public.
- (c) All maintenance activities shall utilize nothing less than the best available technology and practices for preventing failures and accidents.
- (d) The municipality reserves the authority to require the cleaning, repainting, or repair of a tower-based WCF, including, but not limited to, the tower, accessory equipment, and any other area where the exterior surface or appearance of such facility is not regularly or properly maintained, cleaned, repainted, or repaired.
- (e) Tower-based WCF operators bear sole financial responsibility for all maintenance or emergency repair costs.

(11) Radio frequency emissions. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The owner or operator of such tower-based WCF shall submit proof of compliance with any applicable radio frequency emissions standards to the Township Manager on an annual basis, or within 30 days following a written request by the Township. A tower-based WCF generating radio frequency emissions in excess of the standards and regulations of the FCC shall be considered an emergency. The municipality reserves the authority to revoke the permit of any tower-based WCF that: 1) fails to timely submit proof of

compliance; or 2) that is generating radio frequency emissions in excess of the standards and regulations of the FCC.

(12) Historic buildings and districts. No tower-based WCF may be located in or within 100 feet of any historic or preservation district, property, building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures list maintained by the municipality, or so designated as a landmark.

(13) Signs. All tower-based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. No other signage or display is permitted.

(14) Lighting. Tower-based WCF shall not be artificially lighted, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide to the Township a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

(15) Emergency power supplies. Any tower-based WCF shall be constructed with both primary and secondary sources of electric power. The secondary source of electric power shall be an electric generator, located on site and equipped with sufficient power reserves to supply continuous electric power to operate the tower-based WCF and its antennae for a period of 10 days. The secondary source of electric power shall not be used, except in emergency situations involving the loss of the primary power source. The WCF operator may activate the electric generator on weekdays, between 9:00 a.m. and 5:00 p.m., excluding federal holidays, to test the secondary power source or to perform routine maintenance on the electric generator, provided that the WCF operator deliver written notice to the Township Manager at least five business days prior to such electric generator testing or electric generator maintenance.

(16) Noise. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the West Deer Township Code of Ordinances, except as provided with respect to the use of an electrical generator in **§ 210-141A(15)**, where such noise standards may be exceeded on a temporary basis only.

(17) Aviation safety. Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

(18) Inspection report requirements. No later than the first day of December of each odd-numbered year, or within 30 days following a written request by the municipality, the owner of the tower-based WCF shall have said tower-based WCF structure inspected by a Pennsylvania-licensed and registered professional engineer (P.E.) who is regularly involved in the maintenance, inspection, and/or erection of tower-based WCFs. At a

minimum, this inspection shall be conducted in accordance with the Tower Inspection Class checklist provided in the Electronics Industries Association (EIA) Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of said inspection report and certification of continued use shall be provided to the Township's Building Inspector and Code Enforcement Officer following the inspection. Any repairs advised by the report shall be effected by the owner no later than 60 calendar days after the report is filed with the municipality. No later than 30 calendar days upon completion of aforesaid repairs, the tower-based WCF structure shall again be inspected in accordance with the parameters and requirements described herein.

(19) Retention of consultants and experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) and/or expert(s) in providing expert evaluation and consultation in connection with these activities.

(20) Nonconforming uses. Nonconforming tower-based WCFs, which are hereafter damaged or destroyed due to any reason or cause, may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this article.

(21) Removal. In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township Manager, at least 90 days in advance of the discontinuance date, of its intent to discontinue use and the date when the use shall be discontinued.

(a) All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the municipality.

(b) If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF. Any cost to the municipality for such removal which is not paid under the owner's bond shall constitute a lien on the tax lot on which the tower-based WCF is situated and shall be collected in the same manner as a municipal tax on real property.

(c) Any unused portions of tower-based WCFs, including, but not limited to, antennas, shall be removed within six months of the time of cessation of operations. The municipality must approve all replacements of portions of a tower-based WCF previously removed.

(22) Public rights-of-way. No tower-based wireless communications facility shall be located, in whole or in part, within the public rights-of-way.

(23) Eligible facilities request.

- (a) Applicants proposing a modification to an existing tower-based WCF that does not substantially change the dimensions of the underlying wireless support structure shall be required only to obtain a building permit from the municipality.
- (b) In order to be considered for such permit, the tower-based WCF applicant must submit a building permit application to the municipality in accordance with the West Deer Township Code of Ordinances.

(24) Design regulations:

- (a) Any height extensions to an existing tower-based WCF shall require prior approval of the municipality. The municipality reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the municipality.
- (b) The tower-based WCF shall employ the most current and effective stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the municipality.
- (c) Any proposed tower-based WCF shall be designed and constructed in all respects, including, but not limited to, structurally and electronically, to accommodate both the tower-based WCF applicant's antennae and comparable antennae for future users.
- (d) All utilities that are extended to the site of the tower-based WCF shall be placed underground.

(25) Surrounding environs:

- (a) The tower-based WCF operator shall ensure that the existing vegetation, trees and shrubs located within proximity to the tower-based WCF structure shall be preserved to the maximum extent possible.
- (b) The tower-based WCF applicant shall include in its site plan submission pursuant to **§ 210-166A(2)(a)[4]** a soil report to the municipality complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

(26) Fence/screen:

- (a) A security fence having a height of six feet shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.
- (b) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted 10 feet on center maximum). The evergreen screen shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.
- (c) Existing mature tree growth, vegetation, and natural land forms on and around the site shall be preserved to the maximum extent possible. In some cases, such as tower-based WCF sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(27) Accessory equipment:

- (a) Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be underground or screened from public view using stealth technologies, as described above.
- (b) All utility buildings and accessory structures shall be architecturally designed and constructed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

(28) Additional antennae. As a condition of approval for all tower-based WCFs, the applicant shall provide the municipality with a written commitment that it will allow other service providers to co-locate antennae on tower-based WCFs where technically and commercially reasonable. The owner of a tower-based WCF shall not install any additional antennae without obtaining the prior written approval of the municipality.

(29) Access road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the municipality that the property owner has granted an easement for the proposed facility. The easement shall be a minimum of 20 feet in width and the access shall be improved to a width of at least 10 feet with a dust-free, all-weather surface throughout its entire length.

(30) Bond. Prior to the issuance of a conditional use permit, a tower-based WCF applicant shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor. The bond shall provide that the municipality may recover from the principal and surety any and all compensatory damages incurred by the municipality for violations of this article, including, but not limited to, legal fees and expenses in enforcing the law, after reasonable notice and opportunity to cure. The owner shall file the bond with the municipality and maintain the bond for the life of the respective facility. The owner of the tower-based WCF shall maintain a bond in the following amounts:

- (a) An amount of \$75,000 to assure the faithful performance of the terms and conditions of this article.
- (b) An amount determined by the Town Board based on engineering estimates, to cover the cost of removing and disposing of the antenna, tower, and related facilities. The Township Board of Supervisors may consider, but shall not be required to rely upon, applicant's written report, titled "Cost of Wireless Facilities removal" certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania.
- (c) From time to time, but no more frequently than once during any five-year period, the Township Board of Supervisors, at its sole discretion, may adjust the amount of the bond and require the submission of a new or modified bond based

on engineering estimates of the cost of the removal and disposal of the tower, antenna, and associated facilities. The wireless communications facility operator may submit a written report, titled "Adjusted Cost of Tower-Based Wireless Facilities Removal" certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania and containing engineering estimates of the cost of the removal and disposal of the tower, antenna, and associated facilities to the Township Board of Supervisors. The Township Board of Supervisors may consider, but shall not be required to rely upon, operator's written report in determining the adjusted bond amounts.

(31) Visual or land use impact. The municipality reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact.

(32) Graffiti. Any graffiti on the tower-based WCF, including, but not limited to, the wireless support structure or on any accessory equipment, shall be removed at the sole expense of the owner within 10 days of notification by the municipality.

(33) Inspection by municipality. The municipality reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this article and any other provisions of the West Deer Township Code of Ordinances or state or federal law or regulation. The municipality and/or its agents shall have the authority to enter the property upon which a tower-based WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

## **§ 210-167                      LAWS APPLICABLE TO ALL NON-TOWER WIRELESS FACILITIES.**

A. The following laws shall apply to all non-tower wireless communications facilities:

(1) Procedures.

(a) Any applicant proposing a non-tower WCF to be mounted on a building or any other structure shall submit detailed construction and elevation drawings to the West Deer Township Building Inspector and Code Enforcement Officer indicating how the non-tower WCF will be mounted on the structure, for review by the West Deer Township Planning Commission and for approval by the Township Board of Supervisors, as a conditional use, subject to the restrictions and conditions prescribed herein and subject to the prior written approval of the municipality.

(b) The applicant shall prove that it is licensed by the FCC to operate a non-tower WCF and that the proposed non-tower WCF complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

(2) Development requirements. Non-tower wireless communications facilities shall be co-located on existing structures, such as existing buildings or wireless support structures, subject to the following conditions:

(a) Permitted subject to conditions. Subject to the restrictions and conditions prescribed herein, non-tower WCFs are permitted in certain zoning districts by right and in other zoning districts as a conditional use upon review by the West Deer Township Planning Commission and approval by the West Deer Township Board of Supervisors, in accordance with the procedures and requirements of Part II, Chapter **210**, Article **XXIII**, § **210-159** et seq., Conditional Use.

[1] Siting by right. Non-tower WCF are permitted in the following zoning districts by right, subject to the requirements and prohibitions of this article:

- [a] C-1 Neighborhood Commercial District;
- [b] C-2 Highway Commercial District;
- [c] I Industrial District;
- [d] SU Special Use District; and
- [e] BTP Business and Technology Park Overlay.

[2] Siting by conditional use. Non-tower WCF are permitted in the following zoning districts by conditional use, subject to the requirements and prohibitions of this article:

- [a] R Rural Estate District;
- [b] R-1 Rural Residential District;
- [c] R-2 Semi-Suburban Residential District;
- [d] R-3 Suburban Residential District;
- [e] R-4 Urban Residential District;

[3] Height. Any non-tower WCF shall not exceed the maximum height permitted in the applicable zoning district or 10 feet above the existing structure the non-tower WCF is to be located upon.

[4] Equipment building. If the non-tower WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

[5] Fencing. A security fence having a height of six feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

[6] Residential attachment prohibited. Non-tower WCFs shall not be located on single-family detached residences, single-family attached residences, or any accessory residential structure.

(3) Site plan. An applicant for a non-tower WCF must submit a full site plan to the West Deer Township Building Inspector and Code Enforcement Officer which shall include:

(a) Written authorization from the wireless support structure owner of the proposed non-tower WCF site that such facility may be sited on the wireless support structure. Written authorization from the wireless support structure owner

consenting to the making of the application to the municipality for special permit use. Written acknowledgment from the wireless support structure owner of being bound by § 210-166 et seq., the conditions of any site plan approval authorized by the municipality, and all other requirements of the West Deer Township Code of Ordinances.

(b) A site plan that is drawn to scale and shows the following features: property boundaries; existing and proposed structures; existing and proposed use(s); existing and proposed antennae; existing or proposed electrical power source; and scaled elevation view.

(c) A written report including, but not limited to: information describing the antenna height and design; a cross-section of the wireless support structure; engineering specifications detailing attachment of the antenna to the wireless support structure; information describing the proposed painting and lighting schemes; radio frequency coverage including, but not limited to, scatter plot analysis and the input parameters for the scatter plot analysis; all wireless support structure information to be certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania; and wireless telecommunications data to be certified by an appropriate wireless telecommunications professional.

(d) A written report, titled "Cost of Non-Tower Wireless Facilities Removal" certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania, detailing the total cost of removing and disposing of antenna and related facilities.

(e) An inventory of its existing wireless communications facilities, including, but not limited to, all tower-based, non-tower, and small WCF, that are either sited within West Deer Township or within 1/4 mile of the border thereof. Such inventory shall include specific information about the location, height, design, and use of each wireless communications facility. The Code Enforcement, Zoning, and Animal Control Department may share such information with other applicants applying for site plan approvals or conditional use under this article or other organizations seeking to locate antennas within the municipality; provided, however, that the municipality is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(f) Other information deemed to be necessary by the municipality to assess compliance with this section, or any other requirement under the West Deer Township Code of Ordinances, state law, or federal law or regulation.

(4) Eligible facilities request.

(a) Applicants proposing a modification to an existing non-tower WCF that does not substantially change the dimensions of the underlying structure or wireless support structure shall be required only to obtain a building permit from the municipality.

(b) In order to be considered for such permit, the non-tower WCF applicant must submit a building permit application to the municipality in accordance with the West Deer Township Code of Ordinances.



(5) Visual or land use impact. The municipality reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact.

(6) Historic buildings and districts. No non-tower WCF may be located on, or within 100 feet of, any historic or preservation district, property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures list maintained by the municipality, or so designated as a landmark.

(7) Prohibited in open space and conserved lands. Non-tower WCFs shall not be located within an open space or conserved land.

(8) Timing of determination. All applications for non-tower WCFs shall be acted upon by the municipality within 90 days following the receipt of both: 1) a fully completed application for the approval of such WCF; and 2) a fully paid, nonrefundable application fee in an amount specified by the Master Fee Schedule. If the municipality receives an application for a non-tower WCF and such application is not fully completed, then the municipality shall notify the applicant in writing within 30 days that the application is not complete and the time for the approval of such application shall not commence until a fully completed application is received by the municipality. Unpaid applications are incomplete and not duly filed with the Township.

(9) Retention of consultants and experts. The municipality may hire any consultant(s) and/or expert(s) necessary to assist the municipality in reviewing and evaluating the application for approval of the non-tower WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the non-tower WCF shall reimburse the municipality for all reasonable costs of the municipality's consultant(s) and/or expert(s) in providing expert evaluation and consultation in connection with these activities.

(10) Bond. Prior to the issuance of conditional use, the owner of a non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor. The bond shall provide that the municipality may recover from the principal and surety any and all compensatory damages incurred by the municipality for violations of this article, after reasonable notice and opportunity to cure. The owner shall file the bond with the municipality and maintain the bond for the life of the respective facility. The owner of the non-tower WCF shall maintain a bond in the following amounts:

(a) An amount of \$75,000 to assure the faithful performance of the terms and conditions of this article.

(b) An amount determined by the Township Board of Supervisors based on engineering estimates, to cover the cost of removing and disposing of the antenna and related facilities. The Township Board of Supervisors may consider, but shall not be required to rely upon, applicant's written report, titled "Cost of Non-Tower

Wireless Facilities Removal" certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania.

(c) From time to time, but no more frequently than once during any five-year period, the Township Board of Supervisors, at its sole discretion, may adjust the amount of the bond and require the submission of a new or modified bond based on engineering estimates of the cost of the removal and disposal of the antenna and associated facilities. The wireless communications facility operator may submit a written report, titled "Adjusted Cost of Non-Tower Wireless Facilities Removal" certified by a registered professional engineer (P.E.) licensed by the Commonwealth of Pennsylvania and containing engineering estimates of the cost of the removal and disposal of the antenna and associated facilities to the Township Board of Supervisors. The Township Board of Supervisors may consider, but shall not be required to rely upon, operator's written report in determining the adjusted bond amounts.

(11) Design regulations.

(a) Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure or wireless support structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the municipality.

(b) Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the non-tower WCF applicant obtains a variance.

(c) All non-tower WCF applicants must submit documentation to the municipality justifying the total height of the non-tower support structure or wireless support structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

(d) Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

(12) Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life or safety of any person or damage any property in the municipality.

(13) Wind and ice. All non-tower WCF structures shall be designed and constructed to withstand the effects of wind and ice according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended). All non-tower WCF structures shall also be designed

and constructed to withstand the wind and ice loads for the place of installation in accordance with the Pennsylvania Uniform Construction Code.

(14) Public safety communications. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(15) Radio frequency emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The owner or operator of such non-tower WCF shall submit proof of compliance with any applicable radio frequency emissions standards to the Township Manager on an annual basis, or within 30 days following a written request by the Township. A non-tower WCF generating radio frequency emissions in excess of the standards and regulations of the FCC shall be considered an emergency. The municipality reserves the authority to revoke the permit of any non-tower WCF that: 1) fails to timely submit proof of compliance; or 2) that is generating radio frequency emissions in excess of the standards and regulations of the FCC.

(16) Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

(17) Inspection report requirements. No later than the first day of December of each odd-numbered year, or within 30 days following a written request by the municipality, the owner of the non-tower WCF shall have said non-tower WCF inspected by a Pennsylvania-licensed and registered professional engineer (P.E.) who is regularly involved in the maintenance, inspection, and/or modification of non-tower WCFs. A copy of said inspection report and certification of continued use shall be provided to the Township's Building Inspector and Code Enforcement Officer following the inspection. Any repairs advised by the report shall be effected by the owner no later than 60 calendar days after the report is filed with the municipality. No later than 30 calendar days upon completion of aforesaid repairs, the non-tower WCF shall again be inspected in accordance with the parameters and requirements described herein.

(18) Maintenance. The following maintenance requirements shall apply:

- (a) The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the municipality's residents.
- (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- (d) The municipality reserves the authority to require the cleaning, repainting, or repair, of a non-tower WCF, including, but not limited to, the antennae, accessory

equipment, and any other area where the exterior surface or appearance of such facility is not regularly or properly maintained, cleaned, repainted, or repaired.  
(e) Non-tower WCF operators bear sole financial responsibility for all maintenance or emergency repair costs.

(19) Upgrade, replacement, modification.

(a) The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading, replacing, modifying, or repairing the non-tower WCF is permitted, so long as such upgrade, replacement, modification, or repair does not increase the overall size of the non-tower WCF or the number of antennae.

(b) Any material modification to a non-tower WCF shall require a prior amendment to the original permit or authorization.

(20) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(a) All abandoned or unused non-tower WCFs and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the municipality.

(b) If the non-tower WCF or accessory facility is not removed within three months of the cessation of operations at a site, or within any longer period approved by the municipality, the WCF and/or related facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF. Any cost to the municipality for such removal which is not paid under the owner's bond shall constitute a lien on the tax lot on which the non-tower WCF is situated and shall be collected in the same manner as a municipal tax on real property.

(21) Graffiti. Any graffiti on the non-tower WCF, including, but not limited to, the antennae, the wireless support structure, or on any communications equipment or accessory equipment, shall be removed at the sole expense of the owner within 10 days of notification by the municipality.

(22) Public rights-of-way. No non-tower WCF shall be located, in whole or in part, within the public rights-of-way.

(23) Signs. All non-tower WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. No other signage or display is permitted.

(24) Lighting. Non-tower WCF shall not be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

(25) Emergency power supplies. Where practicable, non-tower WCF shall be constructed with both primary and secondary sources of electric power. If included, the secondary source of electric power shall be an electric generator, located on site and equipped with sufficient fuel reserves to supply continuous electric power to operate the non-tower WCF and its antennae for a period of 10 days. The secondary source of electric power shall not be used, except in emergency situations involving the loss of the primary power source. The WCF operator may activate the electric generator to test the secondary power source or to perform routine maintenance on the electric generator, provided that the WCF operator deliver written notice to the Township Manager at least five business days prior to such electric generator testing or electric generator maintenance.

(26) Noise. Non-tower WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the West Deer Township Code of Ordinances, except in emergency situations requiring the use of an electrical generator, where such noise standards may be exceeded on a temporary basis only.

(27) Inspection by municipality. The municipality reserves the right to inspect any non-tower WCF to ensure compliance with the provisions of this article and any other provisions found within the West Deer Township Code of Ordinances or state or federal law or regulation. The municipality and/or its agents shall have the authority to enter the property upon which a non-tower WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

## **§ 210-168                      LAWS APPLICABLE TO ALL SMALL WIRELESS COMMUNICATIONS FACILITIES.**

A. The following laws shall apply to small wireless communications facilities:

(1) Development requirements.

(a) Small WCF are permitted by approval from the Township's Building Inspector and Code Enforcement Officer in all zoning districts, subject to the requirements of this section and generally applicable permitting as required by the West Deer Township Code of Ordinances.

(b) Small WCF located within districts that require utilities to be located underground shall be co-located on existing or replacement wireless support structures. No new wireless support structure may be installed for the purpose of supporting a small WCF within districts, or sub-portions thereof, that require utilities to be located underground.

(c) Small WCF in the public ROW requiring the installation of a new wireless support structure shall not be located directly in front of any building entrance or exit.

(d) All small WCF shall comply with the applicable requirements of the Americans with Disabilities Act and all applicable streets and sidewalks requirements in the West Deer Township Code of Ordinances.

(2) Procedures.

(a) Any applicant proposing a small WCF shall submit an application to the Township's Building Inspector and Code Enforcement Officer for site plan review and administrative determination.

(b) The applicant shall prove that it is licensed by the FCC to operate a small WCF and that the proposed small WCF complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

(3) Timing of determination. All applications for small WCFs shall be acted upon by the municipality within a specific number of days following the receipt of both: 1) a fully completed application for the approval of such small WCF; and 2) a fully paid, nonrefundable application fee in an amount specified by the Master Fee Schedule.

Unpaid applications are incomplete and not duly filed with the Township. The timing of determination for small WCF applicants shall be as follows:

(a) Within 10 calendar days of the date that an application for a small WCF is filed with the Township's Building Inspector and Code Enforcement Officer, the municipality shall notify the WCF applicant in writing if an application is incomplete and shall advise the WCF applicant of any information that may be required to complete such application.

(b) Within 60 days of receipt of a completed application for Co-location of a small WCF on a preexisting wireless support structure, the Township's Building Inspector and Code Enforcement Officer shall make a final decision on whether to approve or deny the application and shall notify the WCF applicant in writing of such decision.

(c) Within 90 days of receipt of a completed application for a small WCF requiring the installation of a new wireless support structure, the Township's Building Inspector and Code Enforcement Officer shall make a final decision on whether to approve the application and shall notify the WCF applicant in writing of such decision.

(4) Basis of denial of application. The Township retains the authority to deny an application to construct, place, modify, or operate a small WCF in the public rights-of-way if any of the following apply:

(a) The small WCF materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar federal or state standards regarding pedestrian access or movement.

(b) The small WCF fails to comply with the West Deer Township Code of Ordinances, or any other applicable codes.

(c) The small WCF fails to comply with the requirements specified under the Pennsylvania small wireless facilities Deployment Act,<sup>[1]</sup> or any other applicable state law.

[1] *Editor's Note: See 53 P.S. § 11704.1 et seq.*

(d) The small WCF fails to comply with the requirements specified under federal law and FCC regulation.

(e) The applicant fails to submit a written report by a Pennsylvania-licensed and registered professional engineer (P.E.), who is regularly involved in the maintenance, inspection, and/or modification of small WCFs, demonstrating that the small WCF in the public rights-of-way will comply with all applicable FCC regulations.

(5) Documentation of denial in writing. Within the applicable shot clock time frames established by this article, the municipality shall document the basis for an application denial, in writing, including, but not limited to, the specific provisions of applicable codes on which the denial was based, and shall send the documentation to the applicant within five business days following the denial of an application to construct, place, modify or operate a small WCF in the public rights-of-way.

(6) Opportunity to cure. Following the determination to deny an application to construct, place, modify or operate a small WCF in the public rights-of-way, the applicant may cure the deficiencies identified by the Township and resubmit the application to construct, place, modify or operate a small WCF in the public rights-of-way within 30 days following receipt of the Township's written basis for the denial. Upon eligible resubmission, the applicant shall not pay any additional application fees.

(7) Municipal review upon eligible resubmission. The Township shall approve or deny the revised application to construct, place, modify or operate a small WCF in the public rights-of-way within 30 days following the application being resubmitted for review and determination. Any subsequent review by the Township shall be limited to the deficiencies cited in the Township's written denial. If the resubmitted application addresses or changes other sections of the application that were not previously denied, the Township's shall automatically be granted an additional 15 days on the shot clock time frame to review the resubmitted application and may charge an additional fee for the review. No applicant shall make more than one resubmission per initial denial of an application to construct, place, modify or operate a small WCF in the public rights-of-way.

(8) Eligible facilities request.

(a) Small WCF operators proposing a modification to an existing small WCF that does not substantially change the dimensions of the underlying structure or wireless support structure shall be required only to obtain a building permit from the municipality.

(b) In order to be considered for such permit, the small WCF operator must submit a building permit application to the municipality in accordance with the West Deer Township Code of Ordinances.

(c) The timing of determination for small WCF operators proposing a modification to an existing small WCF that does not substantially change the dimensions of the underlying structure or wireless support structure shall be as follows:

[1] Within 30 calendar days of the date that an application for a modification to an existing small WCF that does not substantially change

the dimensions of the underlying structure or wireless support structure is filed with the Township's Building Inspector and Code Enforcement Officer, the municipality shall notify the applicant in writing if the application is incomplete and shall advise of any information that may be required to complete such application.

[2] An application for a modification to an existing small WCF that does not substantially change the dimensions of the underlying structure or wireless support structure shall be deemed complete when all documents, information and fees required by the municipality's regulations, laws and forms pertaining to the location, modification or operation of wireless communications facilities are submitted by the applicant to the municipality. In case of incompleteness of the application, the municipality shall promptly notify the applicant that the application is not complete and the time for the approval of such application shall not commence until a fully completed application is received by the municipality.

[3] Within 60 days of receipt of a completed application a modification to an existing small WCF that does not substantially change the dimensions of the underlying structure or wireless support structure, the Township's Building Inspector and Code Enforcement Officer shall make a final decision on whether to approve or deny the application and shall notify the WCF applicant in writing of such decision.

(9) Nonconforming wireless support structures. Small WCF shall be permitted to co-locate upon nonconforming tower-based WCF and other nonconforming structures. Co-location of WCF upon existing tower-based WCF is encouraged even if the tower-based WCF is nonconforming as to use within a zoning district.

(10) Application fees. The municipality may assess appropriate and reasonable application fees directly related to the municipality's actual costs in reviewing and processing the application for approval of a small WCF, as well as related inspection, monitoring, and related costs, subject to the limitations in this section, in amounts specified by the Master Fee Schedule.

(11) Standard of care. Any small WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Pennsylvania Uniform Construction Code (UCC), or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the municipality.

(12) Historic buildings and districts. No small WCF may be located on, or within 100 feet of, any historic or preservation district, property, building or structure that is listed on



either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures list maintained by the municipality, or so designated as a landmark.

(13) Wind and ice. All small WCF shall be designed and constructed to withstand the effects of wind and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended), or to the industry standard applicable to the structure. All small WCF structures shall also be designed and constructed to withstand the wind and ice loads for the place of installation in accordance with the Pennsylvania Uniform Construction Code.

(14) Radio frequency emissions. A small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The owner or operator of such small WCF shall submit proof of compliance with any applicable radio frequency emissions standards to the Township Manager on an annual basis, or within 30 days following a written request by the Township. A small WCF generating radio frequency emissions in excess of the standards and regulations of the FCC shall be considered an emergency. The municipality reserves the authority to revoke the permit of any small WCF that: 1) fails to timely submit proof of compliance; or 2) that is generating radio frequency emissions in excess of the standards and regulations of the FCC.

(15) Time, place and manner. The municipality shall determine the time, place and manner of construction, maintenance, repair and/or removal of all small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

(16) Accessory equipment. Small WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the municipality.

(17) Graffiti. Any graffiti on the small WCF, including, but not limited to, the antennae, the structure, the wireless support structure, or any accessory equipment, shall be removed at the sole expense of the owner within 10 days of notification by the municipality.

(18) Maintenance. The following maintenance requirements shall apply:

- (a) Any small WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the public.

- (c) All maintenance activities shall utilize nothing less than the best available technology and practices for preventing failures and accidents.
- (d) The municipality reserves the authority to require the cleaning, repainting, or repair, of a small WCF, including, but not limited to, the antennae, wireless support structure, accessory equipment, and any other area where the exterior surface or appearance of such facility is not regularly or properly maintained, cleaned, repainted, or repaired.
- (e) Small WCF operators bear sole financial responsibility for all maintenance or emergency repair costs. The financial responsibility of small WCF operators for maintenance or emergency repair costs is exclusive and independent from the municipality's costs in managing and maintaining the public rights-of-way.

(19) Design standards. All small WCF in the municipality shall comply with the requirements of the West Deer Township Small Wireless Communications Facility Design Manual, a copy of which is on file with the municipality.

(20) Co-location requirement. An application for a small WCF with a new wireless support structure in the public rights-of-way shall not be approved unless the municipality finds that the proposed small WCF cannot be accommodated on an existing structure or wireless support structure, such as a utility pole. Any application for approval of a small WCF shall include a comprehensive inventory of all existing towers and other suitable structures or wireless support structures within a one-quarter-mile radius from the point of the proposed small WCF, unless the applicant can show to the satisfaction of the municipality that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower, structure, or other suitable wireless support structure cannot be utilized.

(21) Limitation on concurrent co-location applications. Any person seeking to co-locate a small WCF in the public rights-of-way may submit a consolidated application for co-location of small WCF, which shall include no more than 20 concurrent applications to co-locate small WCF in the public rights-of-way. No person shall submit more than one consolidated application to co-locate small WCF in the public rights-of-way, or 20 individual applications to co-locate small WCF in the public rights-of-way during any thirty-day period of time. If one consolidated application for co-location of small WCF in the public rights-of-way, or 20 individual applications to co-locate small WCF in the public rights-of-way, are received by the Township during any forty-five-day period of time, then the Township's applicable shot clocks, as specified in this article, shall be automatically, and without public notice, extended by a time period of 15 days following submission of the aforesaid application(s).

(22) Relocation or removal of facilities. Within 90 days following written notice from the municipality, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any small WCF when the municipality, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that

such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (a) The construction, repair, maintenance or installation of any municipality or other public improvement in the public rights-of-way;
- (b) The operations of the municipality or other governmental entity in the right-of-way;
- (c) Vacation of a street or road or the release of a utility easement; or
- (d) An emergency as determined by the municipality.

(23) Retention of consultants or experts. The municipality may hire any consultant(s) and/or expert(s) necessary to assist the municipality in reviewing and evaluating the application for approval of the small WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the small WCF shall reimburse the municipality for all reasonable costs of the municipality's consultant(s) and/or expert(s) in providing expert evaluation and consultation in connection with these activities, provided that such costs are a reasonable approximation of costs incurred, the costs are reasonable, and the costs are nondiscriminatory.

(24) Inspection report requirements. No later than the first day of December of each odd-numbered year, or within 30 days following a written request by the municipality, the owner of the small WCF shall have said small WCF inspected by a Pennsylvania-licensed and registered professional engineer (P.E.) who is regularly involved in the maintenance, inspection, and/or modification of small WCFs. A copy of said inspection report and certification of continued use shall be provided to the Township's Building Inspector and Code Enforcement Officer following the inspection. Any repairs advised by the report shall be effected by the owner no later than 60 calendar days after the report is filed with the municipality. No later than 30 calendar days upon completion of aforesaid repairs, the small WCF shall again be inspected in accordance with the parameters and requirements described herein.

(25) Reimbursement for ROW use. In addition to permit fees as described in this section, every small WCF in the ROW is subject to the municipality's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the municipality's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the municipality. The owner of each small WCF shall pay an annual fee to the municipality, in an amount specified by the Master Fee Schedule, to compensate the municipality for the municipality's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal communications Commission. The municipality reserves the authority to revoke the permit of any small WCF that fails to timely remit annual payment of the small WCF ROW use and occupancy fee to the municipality.

(26) Inspection by municipality. The municipality reserves the right to inspect any small WCF to ensure compliance with the provisions of this article and any other provisions of the West Deer Township Code of Ordinances or state or federal law or regulation. The municipality and/or its agents shall have the authority to enter the property or public rights-of-way upon which a small WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

## **§ 210-169**

### **LAWS APPLICABLE TO ALL WIRELESS FACILITIES.**

A. Town property. Nothing in this article shall be deemed to create any offer, right, or entitlement to use municipal property for the construction or operation of tower-based WCF, non-tower WCF, small WCF, wireless support structures, or related facilities. Any such tower-based WCF, non-tower WCF, small WCF, wireless support structure, or related facility proposed to be sited on property owned, leased, or otherwise controlled by West Deer Township may be exempt from the requirements of this article. The Township Board of Supervisors retains the right to require applicants to obtain site plan approval from it in accordance with the requirements of this article. No tower-based WCF, non-tower WCF, small WCF, wireless support structures, or related facilities may be constructed or installed on municipal property until a license or lease agreement authorizing such wireless facility has been approved by the Township Board of Directors.

B. Penalties. Any person violating any provision of this article shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this article and any other remedy at law or in equity, the municipality may apply to a court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this article.

C. Determination of violation. In the event the municipality determines that a person has violated any provision of this article, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the municipality may, in its sole discretion, extend the time period to cure, provided the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the municipality may take any and all actions authorized by this article and/or federal and/or Pennsylvania law and regulations.

D. Revocation of permitted use. Any permit granted under this article may be revoked by the Township Board of Supervisors after a hearing, conducted on at least 15 days' written notice to the owner of the wireless communications facility and any related facilities, and an opportunity to be heard. If at such hearing the Township Board of Supervisors determines that substantial evidence exists that the wireless communications facility and related facilities constitute a threat to public safety, health, or welfare, or that the conditions of the permit have been materially violated, the Town Board may revoke the permit.

E. Fee payments are nonrefundable. All fees paid to the municipality, including, but not limited to, application fees and permit fees, are nonrefundable and will not be returned to the applicant.

## **§ 210-170 INSURANCE AND INDEMNIFICATION OF WIRELESS FACILITIES.**

### **A. Insurance.**

(1) Requirement of insurance. Each person that owns, operates, or removes a tower-based, non-tower, or small wireless communications facility shall purchase and maintain, at its sole expense, certain insurance coverages of specified minimum rating, as listed herein, and shall provide documentation to the West Deer Township Manager, upon request, and as provided herein.

(2) No payment or reimbursement. Each person that owns, operates, or removes a tower-based, non-tower, or small wireless communications facility shall be solely responsible for bearing the costs of furnishing and maintaining all required insurance coverages of specified minimum rating, as listed herein. The municipality shall not provide direct payment or reimbursement to persons for the costs of maintaining, or the costs of furnishing, the required insurance coverages.

(3) Specified minimum insurance ratings, registration, and additional endorsement. All insurance carriers listed in the certificate(s) of insurance for the required insurance coverages shall have, at minimum, a credit rating of "Rated A VII or Better" from the A.M. Best Company and shall be licensed in the Commonwealth of Pennsylvania. Each person that owns, operates, or removes a tower-based, non-tower, or small wireless communications facility shall name West Deer Township as an additional insured by endorsement on the certificate(s) of insurance.

(4) Furnishment of certificates prior to commencement. Prior to the commencement of any construction, operation, or removal, each person that owns, operates, or removes a tower-based, non-tower, or small wireless communications facility shall furnish certificates of insurance to the West Deer Township Manager evidencing coverage in compliance with the regulations herein. The failure of the Township to object to the contents of the certificate(s) of insurance or absence of same shall not be deemed a waiver of any legal rights held by the Township.

(5) Revocation of permit. The failure of any person to construct, operate, or remove a wireless communications facility without complying with the insurance coverage and administrative requirements herein shall constitute an emergency. Upon such emergency, the municipality reserves the authority to revoke the permit of any wireless communications facility for failure to comply with the insurance coverage and administrative requirements herein.

(6) Minimum insurance requirements. Each person that owns or operates a tower-based, non-tower, or small wireless communications facility shall maintain the following minimum insurance coverages:

(a) Workers' compensation and employers' liability policy, covering operations in the Commonwealth of Pennsylvania. Where applicable, U.S. Longshore and Harbor Workers Compensation Act Endorsement and Maritime Coverage Endorsement shall be attached to the policy. Evidence must be provided to the West Deer Township Manager. Waiver of subrogation to be included with documentation provided to the West Deer Township Manager.

(b) Commercial general liability policy, with limits of no less than \$1,000,000 each occurrence, per WCF location and \$2,000,000 general aggregate, per WCF location, with limits for bodily injury and property damage, and shall contain the following coverages and endorsements:

[1] Premises and operations;

[2] Products/completed operations;

[3] Independent contractors;

[4] Personal and advertising injury;

[5] Blanket contractual liability;

[6] Explosion, collapse, underground liability (XCU);

[7] West Deer Township and their assigns, officers, employees, volunteers, representatives and agents should be named as an "additional insured" on the policy using ISO Additional Insured Endorsement CG 20 10 11/85 or an endorsement providing equivalent or broader coverage and shall apply on a primary and noncontributory basis, including any self-insured retentions.

[8] The certificate of insurance should show this applies to the general liability coverage on the certificate, and additional insured endorsement shall be attached.

[9] To the extent permitted by Pennsylvania law, each person that owns, operates, or removes a tower-based, non-tower, or small wireless communications facility waives all rights of subrogation or similar rights against West Deer Township, assigns, officers, employees, volunteers, representatives and agents.

[10] Cross liability coverage (commercial general liability and business automobile liability policies only).

[11] Coverage must be written on an occurrence policy form.

[12] No deductible or self-insured retention should exceed \$50,000.

(c) Comprehensive automobile policy, with limits of no less than \$1,000,000. Bodily injury and property damage liability including, but not limited to, coverage for owned, any auto non-owned, and hired private passenger and commercial vehicles. West Deer Township and their assigns, officers, employees, representatives and agents should be named as an "additional insured" on the policy. The certificate of insurance should show this applies to the automobile liability coverage on the certificate, and additional insured endorsement shall be attached. To the extent permitted by Pennsylvania law, each person that owns, operates, or removes a tower-based, non-tower, or small wireless communications

facility waives all rights of subrogation or similar rights against West Deer Township, assigns, officers, employees, representatives and agents. Coverage must apply on a primary and noncontributory basis.

(d) Umbrella liability, with limits of no less than \$5,000,000 each occurrence per WCF location and \$5,000,000 general aggregate per WCF location, including, but not limited to, coverage for general liability, automobile, workers' compensation. Coverage must be written as an occurrence policy.

(e) Professional liability (if applicable), with limits no less than \$1,000,000 per claim. Coverage must be written as an occurrence policy.

(7) Increasing the minimum insurance requirements. The minimum insurance requirements specified herein may be increased at any time upon the review and determination of the Township's Board of Supervisors.

(8) Notice prior to cancellation or expiration of insurance. The certificate(s) of insurance shall provide that 30 days' written notice prior to cancellation or expiration be given to the West Deer Township Manager via U.S. postal mail. Insurance policies that lapse and/or expire during term of work shall be recertified and received by the West Deer Township Manager no less than 30 days prior to expiration or cancellation of the respective policy.

#### B. Indemnification.

(1) Requirement to indemnify and hold harmless. Each person that owns or operates a tower-based WCF, a non-tower WCF, or a small WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the municipality, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including, but not limited to, death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of each of its WCF.

(2) Requirement to defend. Each person that owns or operates a tower-based WCF, a non-tower WCF, or a small WCF shall defend any actions or proceedings against the municipality in which it is claimed that personal injury, including, but not limited to, death, or property damage was caused by the construction, installation, operation, maintenance or removal of each of its WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

(3) Indemnification and hold harmless agreement requirement. Prior to the initial commencement of any construction, operation, or removal, each person that owns, operates, or removes a tower-based, non-tower, or small wireless communications facility shall furnish an "indemnification and hold harmless agreement" to the West Deer Township Manager.

**§ 210-171**

**MISCELLANEOUS.**

A. Police powers. The municipality, by granting any permit or taking any other action pursuant to this article, does not waive, reduce, lessen or impair the lawful police powers vested in the municipality under applicable federal, state and local laws and regulations.

B. Severability. If any section, subsection, sentence, clause, phrase or word of this article is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this article invalid.

C. Effective date. This article shall become effective upon enactment by the West Deer Township Board of Supervisors.



## **ARTICLE XXVII**

### **ZONING HEARING BOARD**

#### **§ 210-172 CREATION AND APPOINTMENT**

A Zoning Hearing Board is hereby created. The membership of the Board shall consist of five (5) residents of the Township appointed by the Board of Supervisors. Their terms of office shall be as defined by the Township and shall be so fixed that the term of office of one (1) member shall expire each year. The Board of Supervisors may appoint, by resolution, at least one, but no more than three, residents of the Township to serve as alternate members of the Zoning Hearing Board. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.

#### **§ 210-173 REMOVAL OF MEMBERS**

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such vote. A Hearing shall be held in connection with the vote if the member shall request it in writing.

#### **§ 210-174 ORGANIZATION OF ZONING HEARING BOARD**

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any Hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a Hearing officer from its own membership to conduct any Hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full Public records of its Business and shall submit a report of its activities to the Board of Supervisors once a year.

#### **§ 210-175 POWERS AND DUTIES**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land Use ordinance, except those brought before the Board of Supervisors pursuant to §609.1 and 916.1(a) (2) of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P. S. §10609.1, 10916.1.
- B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming Use, Structure or Lot.

- C. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any Floodplain or flood hazard ordinance or such provisions within a land Use ordinance.
- D. Applications for Variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land Use ordinance, pursuant to §910.2 of the MPC, 53 P. S. §10910.2.
- E. Applications for Special Exception under this Chapter or Floodplain or flood hazard ordinance or such provisions within a land Use ordinance, pursuant to §912.1 of the MPC, 53 P. S. §10912.1.
- F. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance Density provisions of this Chapter.
- G. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P. S. §10916.2.
- H. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land Use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P. S. §10501 et seq., 10701 et seq.

## **§ 210-176      FUNCTIONS OF THE BOARD**

- A. Variances
  - 1. The Board shall hear requests for Variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the Applicant.
  - 2. Variance from the terms of this Ordinance shall not be granted by the Board unless a written application for a Variance is submitted to the Secretary of the Board demonstrating that:
    - a) There are unique physical circumstances or conditions including but not limited to irregularity, narrowness or shallowness of Lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood in which the property is located;
    - b) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a Variance is therefore necessary to enable the reasonable Use of the property;
    - c) Such unnecessary hardship has not been created by the appellant;
    - d) The Variance, if authorized, will not alter the essential character of the neighborhood in which the property is located nor substantially or permanently impair the appropriate Use or development of adjacent property nor be detrimental to the public welfare; and will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue.
  - 3. Public Notice shall be publicized based on requirements contained in the MPC.

4. If the Board finds in favor of the appellant, it may prescribe appropriate conditions and safeguards deemed necessary to implement the purposes and intent of this Ordinance and the Comprehensive Plan of West Deer Township.
5. The Board shall prescribe a time limit, consistent with the nature of the Variance granted and the conditions surrounding the property, within which the action for which the Variance is granted shall be begun and completed. Failure to comply with the time limits shall render the Variance void.

#### **§ 210-177 PROCEDURE FOR APPEAL**

The procedure of the Zoning Hearing Board shall be governed by the provisions of applicable laws of the MPC, as reenacted and amended, and such rules not inconsistent therewith, as the Board may adopt. In general, the procedure for appeal from action of the Zoning Officer shall be as follows:

- A. Any appeal from the requirements of the Zoning Ordinance shall be taken by filing with the Officer from whom the appeal is taken and with the Zoning Hearing Board, a notice of appeal specifying the grounds thereof. The Officer from whom the appeal is taken shall forthwith transmit to the Board all of the documentary material constituting the record upon which the action appealed was taken.
- B. The appellant shall, at the time of filing his appeal, pay the enforcing officer a fee as determined by the Board of Supervisors to defray, or help defray, the cost of the required advertising.
- B. Each appeal shall be tried on its merits at a Public Hearing. Notice of such appeal shall be given by publishing in a newspaper of general circulation in the Township and in accordance with the applicable law. The Board shall give the additional notice required by law to all parties in interest, and they may adjourn any Hearing for the purposes of giving such further notice.
- D. The Board shall decide each appeal within the time required by the MPC, and notice thereof shall be given to all parties in interest. The Board's decision shall be immediately filed in its office upon such appeals or upon exceptions, the Board may in conformity with law, reverse or affirm wholly or partly, or modify the order, requirement, decision or determination as in its opinion ought to be made.
- E. Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom to the Court of Common Pleas as provided by law.

## **ARTICLE XXVIII**

### **AMENDMENTS**

#### **§ 210-178 PERMITTED CHANGES**

Whenever the public necessity, convenience or general welfare indicates, the Board of Supervisors may, by Ordinance in accordance with applicable laws of the MPC, as reenacted and amended, supplement or change the regulations, restrictions, boundaries or classifications of Buildings, Structures and land, as the same are established by this Ordinance, or may hereafter be made a part thereof.

#### **§ 210-179 APPLICATIONS OR PETITIONS**

Applications or petitions for any change or amendments to existing Zoning districts in the Township shall be made to the office of the Zoning Officer and shall be accompanied by a fee as determined by the Board of Supervisors payable to the Township Secretary and shall be deposited in the General Fund. This fee is for the purpose of defraying costs of preparing the necessary plats, maps, data, legislations and notices and all official publications required by the Township and shall not be refundable even though the application is disapproved by the Board of Supervisors. The Board of Supervisors shall have sole discretion as to whether to proceed with the consideration of a proposed amendment to the text of the Zoning Ordinance or to the Zoning Map.

#### **§ 210-180 AMENDMENT BY BOARD OF SUPERVISORS**

The Board of Supervisors may from time to time on its own motion or petition, after Public Notice and Public Hearing, and in accordance with the provisions of the MPC, amend this Ordinance, including the official Zoning Map.

#### **§ 210-181 AMENDMENT PROCEDURE FOR LANDOWNER AND MUNICIPAL CURATIVE AMENDMENTS**

The procedure for landowner and municipal curative amendments shall be set forth in the MPC.

## **ARTICLE XXIX**

### **VALIDITY**

#### **§ 210-182      VALIDITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.

## **ARTICLE XXX**

### **INTERPRETATION, PURPOSE AND CONFLICT**

#### **§ 210-183      INTERPRETATION, PURPOSE AND CONFLICT**

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Township of West Deer. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the Use of property than are imposed by other such rules, regulations or ordinances, the provisions of this Ordinance shall prevail.

## **ARTICLE XXXI**

### **REMEDIES**

#### **§ 210-184      REMEDIES**

In case any Building or Structure is Erected, constructed, reconstructed, altered, repaired, converted or maintained, or any Building, Structure or land Use in violation of this Ordinance or prior laws, the Township Board of Supervisors, or an officer of the Township, with the approval of the Board of Supervisors, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such violation, Structure or land, or to prevent, in or about such premises any act, conduct, or Use constituting a violation.

## ARTICLE XXXII

### PENALTIES

#### § 210-185 PENALTIES

- A. Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays, nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance, to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Township, the right to commence any action for enforcement pursuant to this Section.

## ARTICLE XXXIII

### EFFECTIVE DATE

#### § 210-186 EFFECTIVE DATE

This Ordinance shall take effect and be in full force September 28, 2024 , as amended, which is ten (10) days after the final passage.

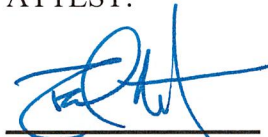
#### § 210-187 ZONING MAP

The Zoning Map of the Township of West Deer is incorporated herein and shall be amended with each change.

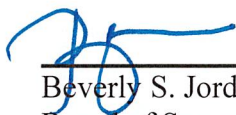
ORDAINED AND ENACTED INTO LAW THIS 18th DAY OF September, 2024.

ATTEST:

TOWNSHIP OF WEST DEER



Daniel J. Mator, Jr.  
Township Manager



Beverly S. Jordan, Chairperson  
Board of Supervisors

**CERTIFICATE**

I, the undersigned, hereby certify that the foregoing and attached is a true copy of an Ordinance which was duly enacted at a meeting of the Board of Supervisors of West Deer Township on 18 September 2024, and that at such meeting a quorum was present and acting throughout, after due notice to the members of the Board of Supervisors of West Deer Township and to the public and such meeting was at all times open to the public; that the Ordinance was duly recorded in the West Deer Township Minutes Book and that a summary thereof was published as required by law in a newspaper of general circulation in the Township. I further certify that the Township met the notice requirements of the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701 et seq.; that the total number of members of the Board of Supervisors is five; and the vote upon the Ordinance was called and duly recorded upon the minutes and that the members voted in the following manner:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Beverly S. Jordan, Chairperson	X			
Vernon Frey, Vice Chair	X			
John Hollibaugh				X
James Smullin	X			
Joshua Wiegand		X		

WITNESS my hand and the seal of the Township on this this 18<sup>th</sup> day of September 2024.

[SEAL]

By:

  
\_\_\_\_\_  
Daniel Mator  
Township Manager





# Legend

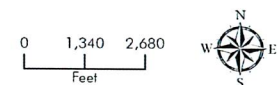
- Township Boundary
- Parcels
- Roads
- Railroad
- Streams/Ponds

## Base Zoning Districts

- P Park
- R Rural Estate
- RE Residential Estate
- R-1 Rural Residential
- R-2 Semi-Suburban Residential
- R-3 Suburban Residential
- R-4 Urban Residential
- C-1 Neighborhood Commercial
- C-2 Highway Commercial
- I Industrial
- SU Special Use

## Zoning Overlay Districts

- BTP Business Technology Park Overlay
- V Village Overlay District
- PRD Planned Residential District



# ZONING MAP WEST DEER TOWNSHIP

Drawing No. 2027.1.22.01r6B

