

CHAPTER 27

ZONING

Part 4

Supplementary Use Regulations

§401. Purpose and Applicability. The purpose of this Part is to supplement the District Regulations contained in Part 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Part 3, the following regulations shall pertain to the identified uses.

§402. Uses Not Provided For. Whenever, under this Chapter, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Township Supervisors to hear and decide such request as a Conditional Use. The Township Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in this Chapter, in addition, the use may only be permitted if:

(1) It is similar to and compatible with the other uses permitted in the zone where the subject property is located;

(2) It is not permitted in any other zone under the terms of this Chapter; and

(3) It in no way is in conflict with the general purposes of this Chapter.

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

§403. Dwelling Units. All dwelling units, including single family, two-family, and multi-family units, hereafter erected or altered shall adhere to the following requirements:

(1) Every dwelling unit shall conform to all applicable building, housing, electrical and plumbing codes in effect in the Township or as may hereafter be enacted.

(2) In the absence of other more restrictive codes, every single family dwelling unit (whether attached or detached, including mobile homes and manufactured housing) must contain a minimum of 700 square feet of gross floor area. In the case of multi-family dwellings or other types of apartment units (including conversion apartments and accessory residential units), each dwelling unit must contain a minimum of 500 square feet of gross floor area, except for efficiency apartments, where 350 square feet of gross floor area must be provided for each unit.

(3) Notwithstanding anything herein to the contrary if any applicable local, state or federal law, statute or regulation provides for a gross floor area larger than that set forth above the said local, state or

federal ordinance, laws, statute or regulation shall be applicable and shall supercede the gross floor area set forth above.

§404. Mobile Homes on Individual Lots. For the purposes of this Part, a mobile home may be permitted to be placed on a lot as a permanent independent dwelling unit in any district providing for single family detached dwellings. When reviewing applications for such proposals, the Township shall utilize the following criteria and may require additional information to be submitted where it is necessary to adequately protect the health, safety, and welfare of Township residents.

(1) Every lot to be used for the placement of a mobile home shall have a gross area at least equal to the minimum lot size for single family detached dwellings for the district in which it is located. In addition, the unit must meet all applicable minimum setback requirements.

(2) Every mobile home shall meet the minimum standards of all applicable local, state and federal building, housing, electrical, plumbing and other similar codes. Where there is a difference in the standards set by the applicable codes the stricter code shall apply.

(3) Every unit which is to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in this Part. No mobile homes shall be permitted to be situated in a Floodway District.

§405. RESERVED FOR FUTURE.

§406. Single Family Attached Dwelling Structures. Single family attached dwelling structures (i.e. townhouse structures) shall be permitted only where specified in the District Regulations. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.

(1) Minimum Area and Density Requirements.

(a) The minimum gross lot area required for each single family attached dwelling structure shall be as specified in the District Regulations, Part 3. Single family attached dwelling structures shall contain no more than eight (8) dwelling units per structure and, notwithstanding anything herein to the contrary, the overall density shall not exceed five (5) dwelling units per acre.

(b) Where individual dwelling units of a single family attached dwelling structure and portions of land on which the structure is located are proposed to be subdivided and conveyed as separate lots, a minimum of 5,000 square feet shall be conveyed with each dwelling unit. In such cases the applicant shall submit sufficient documentation along with his subdivision plans which demonstrates that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance.

(c) Where individual dwelling units of a single family attached dwelling structure and all of the land on which the structure is located are proposed to be subdivided and conveyed as separate lots,

a minimum of 6,000 square feet shall be conveyed with each dwelling unit.

(d) Where individual dwelling units of a single family attached dwelling structure are to be conveyed independently of any land area, the applicant shall demonstrate that all other requirements of the Uniform Condominium Act will be met.

(e) Where individual dwelling units of a single family attached dwelling structure are proposed to be subdivided, whether or not such subdivision includes any land area, all dwelling units contained in the structure shall be part of the proposed division.

(2) Minimum Lot Width. The minimum lot width for each single family attached dwelling unit shall be specified in the District Regulations. The minimum width required for a lot containing a single family attached dwelling structure shall vary depending upon the number of units proposed. In no case however, shall the lot width for a single family attached dwelling structure be less than the minimum required for a single family detached dwelling in the district where such structure is located.

(3) Minimum Yard Requirements. The minimum yard requirements for single family attached dwelling structures shall be as specified in the District Regulations.

(4) Design Standards. All single family attached dwelling structures shall be designed in accordance with the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. In addition, the following requirements shall be met:

(a) Traffic Access. No single family attached dwelling unit may access directly onto a public street. All such units must access public roadways via private internal streets or common parking areas. New streets or access drives shall be designed and constructed in accordance with the applicable standards outlined in the White Deer Township Subdivision and Land Development Ordinance.

(b) Common Open Space Ownership & Maintenance. Where the conveyance of title to individual dwelling units of a single family attached dwelling structure does not include the conveyance of any land area or does not include conveyance of the entire site, the developer shall submit a plan to the Township indicating the arrangements to be made for ultimate ownership of and maintenance responsibilities for the common open space/land area associated with the building (including access drives and driveways) as a part of his application for such a use. Copies of such arrangements shall be noted on the development plan and recorded as part of every deed for such conveyances. Where no conveyance is proposed, the developer shall supply the Township with a copy of his plans for the maintenance of all common open space areas associated with the structure and a note specifying such ownership and maintenance responsibilities shall be included on the development plan.

§407. Multi-Family Dwelling Structures. Multi-family dwelling structures (i.e. apartment buildings, but excluding single family attached dwellings) shall be permitted only as specified in the District Regulations. Every such application shall also meet the requirements

outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.

(1) Minimum Area and Density Requirements. The minimum lot area required for each multi-family dwelling structure shall be as specified in the District Regulations. No multi-family dwelling structure shall contain more than eight (8) dwelling units and, notwithstanding anything herein to the contrary, the overall density shall not exceed five (5) dwelling units per acre.

(2) Minimum Lot Width. The minimum width required for a lot containing a multi-family dwelling structure shall be as specified in the District Regulations.

(3) Minimum Yard Requirements. The minimum yard requirements for multi-family dwelling structures shall be as specified in the District Regulations.

(4) Other Requirements. All design requirements set forth in the White Deer Township Subdivision and Land Development Ordinance and applicable provisions of this Part shall also be met.

§408. Multi-Family Housing Developments. Multi-family housing developments (the placement of more than one multi-family dwelling structure and/or more than one single family attached dwelling structure on a single tract of ground) shall be permitted only as specified in the District Regulations. Every such application shall also meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.

(1) Minimum Area and Density Requirements. Each multi-family housing development shall contain a minimum of five (5) contiguous acres of land suitable for development. The standards set forth which establish the maximum number of dwelling units permitted per structure for single family attached dwelling structures and multi-family dwelling structures, respectively, shall apply to the type of development proposed. Notwithstanding anything herein to the contrary, the overall density for such developments shall not exceed five (5) dwelling units per acre.

(2) Minimum Lot Width. The minimum required lot width shall vary with each individual application and shall be dependent upon the number of units proposed in each structure and the proposed arrangement of buildings in the development. In no case however, shall the lot width be less than the minimum required for the district in which the development is to be located. For developments involving single family attached dwelling structures, each dwelling unit shall maintain the minimum width required in the District Regulations.

(3) Design Standards. All multi-family housing developments shall be designed in accordance with the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. In addition, the following requirements shall be met:

(a) Traffic Access. No structures within the multi-family housing development nor individual dwelling units in the development may access directly onto a public street. All such structures and dwelling units must access onto an internal road within the development. New streets and access drives shall be designed and

constructed in accordance with the applicable standards outlined in the White Deer Township Subdivision and Land Development Ordinance.

(b) Street Lighting. Each multi-family housing development shall be furnished by the developer with lighting designed to adequately illuminate driveways, walkways, streets, and intersections, and to provide for the safe movement of pedestrians and vehicles throughout the development at night.

(c) Common Open Space Requirements. A minimum of five percent (5%) of the gross area of the development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units. All provisions of the White Deer Township Subdivision and Land Development Ordinance regarding such open space facilities shall also be met. In addition, applications for multi-family housing developments shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space areas. Copies of such arrangements shall be noted on the development plan and included in each deed or lease agreement.

(4) Building Relationships.

(a) Arrangement of Buildings. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.

(b) Maximum Length of Rows. The maximum length of any group of attached dwelling units shall not exceed 200 feet. A building group must be arranged in order to be accessible by emergency vehicles.

(c) Distance Between Buildings.

(1) The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.

(2) The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.

(3) If any applicable local, state or federal ordinance, law, statute or regulation requires a distance between building that is greater than set forth in subsection (c) (1) and (c) (2) hereof, the greater shall apply.

(d) Distance Between Buildings and Driveways.

(1) No driveway or parking lot shall be closer than 15 feet to the front of any building, nor ten (10) feet to the side or rear of any building, except that space may be provided for loading and unloading which is situate closer to the building it is intended to serve than is herein provided.

(2) In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for

driveways providing access to these accommodations shall not apply.

(3) If any applicable local, state or federal ordinance, law, statute or regulation requires a distance between building that is greater than set forth in subsection (d) (1) and (d) (2) hereof, the greater shall apply.

§409. Mobile Home Parks. Mobile home parks are permitted only in those zoning districts as specified in the District Regulations. All proposed mobile home parks and extensions to existing parks shall also meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.

Every mobile home placed in an approved mobile home park in White Deer Township, including replacement units, shall obtain a Zoning Permit prior to its placement in the mobile home park, in addition, each unit, including replacement units, must obtain a Certificate of Occupancy, as required by this Chapter prior to being used as a dwelling unit. All additions proposed for mobile homes located in mobile home parks shall also require a Zoning Permit from the Township prior to being initiated. Zoning Permits for replacement units which do not exceed the length or width of the prior unit OR Permits for replacement units (including larger units) which will meet the dimensional requirements of this Chapter may be authorized by the Township Zoning Officer. Where however, the replacement unit will exceed the length or width of the prior unit or will not meet all dimensional requirements set forth in this Chapter, Permit authorization must be obtained from the Township Board of Supervisors.

(1) Minimum Park Area and Density Requirements. The minimum gross area provided for each mobile home park shall be as specified in the District Regulations. Overall density of the park shall not exceed five (5) mobile home lots per acre, provided that all other applicable requirements of this Chapter can be met.

(2) Mobile Home Park Lot Area and Width Requirements.

(a) Minimum Lot Sizes. The minimum mobile home lot shall contain no less than 7,500 square feet.

(b) Minimum Lot Width. The minimum width of any mobile home lot shall be not less than 60 feet.

(3) Mobile Home Lot Pad or Stand Requirements. The pad or stand shall be constructed in accordance with applicable local, state and federal ordinances, laws, statutes and regulations and in the event the same do not set standards that are equal to or greater than the following, the following shall apply:

(a) The pad or stand shall be equal to the length and width of the mobile home proposed to use the lot.

(b) The pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. At a minimum, each pad shall be provided with one frost-proof footer

at least 6 inches in width, extending the full width of the pad, for every ten (10) feet of mobile home length.

(c) Each pad shall be provided with anchors and tie-downs.

(d) Each mobile home pad shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electrical service connections.

(4) Minimum Yard Requirements.

(a) Setbacks from Public Roads. All mobile homes and auxiliary park buildings shall be located at least 50 feet from the centerline of any abutting public road or street or 25 feet from the edge of the road right-of-way, whichever is greater.

(b) Side and Rear Yard Setbacks. All mobile homes shall be setback a minimum of 10 feet from each side lot line and no less than 15 feet from their rear lot line.

(c) Minimum Distance Between Mobile Homes. Each mobile home shall be located at least 20 feet from any other mobile home in the mobile home park.

(d) Minimum Distance Between Mobile Homes and Auxiliary Structures. All mobile homes shall be located at least 50 feet from any auxiliary park buildings and repair, maintenance, or storage buildings.

(e) Buffer Yards and/or Screening Requirements. All mobile homes, auxiliary park buildings and other park structures shall be located at least 50 feet from the mobile home park perimeter boundary lines. If however, a suitable, attractive screening, either man-made or of natural plantings, is provided along the perimeter, this minimum buffer yard may be reduced to 25 feet. Screening may also be required to effectively and attractively conceal repair, maintenance, or storage buildings from mobile home lots, park streets, or public roads.

If any local, state or federal ordinances, law, statute or regulation requires distances greater than those set forth herein the greater distances shall apply.

(5) Design Standards. All mobile home park developments shall be designed in accordance with the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. In addition, the following requirements shall be met:

(a) Traffic Access. All mobile home lots shall abut and have access on a street of the mobile home park internal street system. No individual dwelling unit shall have direct access to a public street. In addition, at the entrance intersection of the mobile home park, a 50 foot wide cartway shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.

(b) Common Open Space Requirements. A minimum of ten (10) percent of the gross park area shall be reserved by the developer as

common open space for the use of all residents of the park. At least a portion of this area shall be set aside for recreation use. Such recreation area shall be suitable for outdoor recreational activities and shall be easily accessible to all units. All provisions outlined in the White Deer Township Subdivision and Land Development Ordinance regarding such recreation and open space facilities shall also be met. In addition, applications for mobile home parks shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space and recreation areas. Copies of such arrangements shall be noted on the development plan and included in the lease for each lot in the park.

If any local, state or federal ordinances, law, statute or regulation requires distances greater than those set forth herein the greater distances shall apply.

(6) Utilities and Park Facilities.

(a) Sewage Facilities. A public or private community-wide sewer system shall be utilized by the developer for collecting, conveying, treating and disposing of sewage from mobile homes, service buildings and other accessory facilities located in the mobile home park.

(b) Water Facilities. A public or private community-wide water supply shall be used to provide water service for the mobile home park.

(c) Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the Township and the appropriate utility company. Where feasible, utility distribution and service lines in the mobile home park shall be installed underground.

(d) Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the residents of the proposed facility shall be made by the developer and submitted to the Township as a part of his application for such use.

(e) Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and for the well-being of park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents.

(f) Park Management. Each mobile home park owner shall designate a manager who shall be responsible for maintaining the park in accordance with the requirements of this Part and the terms and conditions of the park's approval.

(g) . Rules and Regulations of the Park. The developer shall submit a copy of the proposed rules and regulations to be followed by

tenants of the mobile home park as a part of his application for such a use. At a minimum, such regulations shall require that:

(1) Each mobile home must be skirted. (Skirting shall include material which have been prefabricated for this specific purpose or similar materials, but shall not include bales of hay, straw, interior plywood, or like materials.)

(2) Each mobile home lot must be provided with a concrete entrance patio or porch, at least 200 square feet in size.

(3) Garbage and trash must be placed in appropriate receptacles.

§410. Residential Cluster Developments. Residential cluster developments shall be permitted only in those zoning districts as specified in the District Regulations. Every such application shall also meet the requirements outlined in the White Deer Township Subdivision and Land Development Ordinance as well as the standards set forth below.

Residential cluster development is an optional form of development which permits the clustering or grouping of residential structures on a single tract of ground to maximize the amount of open space which can be preserved. This form of development allows the developer to create lots smaller than otherwise provided for in this Chapter, so long as the land saved by the reduction in lot sizes is reserved as permanent open space for the use and enjoyment of all residents of the development.

(1) Minimum Tract Area Requirements. Each residential cluster development situated in the Village District shall contain a minimum of five (5) contiguous acres of land suitable for development. In the Rural Residential District, such developments shall contain a minimum gross lot area of ten (10) contiguous acres of land. Excluded from the determination of tract size shall be (1) all land situated in a 100 year floodplain; and (2) all land with a slope exceeding 15%.

(2) Permitted Dwelling Types. The type of dwelling units permitted in any cluster development shall be as set forth in the District Regulations, for the zoning district in which the development is located; that is, the Village District, single family detached dwellings, single family attached dwelling structures, two-family dwellings, and multi-family dwelling structures may be clustered, and in the Rural Residential District, only single family detached and two-family dwellings may be included in cluster developments. All units proposed shall be for sale only.

(3) Tract Density Standards. All residential cluster developments shall be designed in accordance with the standards of this Part, except that the maximum gross density of the district in which the development is located shall not be exceeded; that is, in Village District, the maximum allowable tract density shall not exceed 4.36 dwelling units per acre for single family dwellings, 5.81 dwelling units per acre for two-family dwellings, and 5.00 dwelling units per acre for single family attached and multi-family dwelling structures. In the Rural Residential District, the maximum gross tract density shall not exceed 1.45 dwelling units per acre for single family detached dwellings and 2.90 dwelling units per acre for two-family dwellings.

The maximum number of dwelling units per structure for single family attached and multi-family dwelling structures shall be as set forth in this Part.

(4) Permitted Lot Area Reductions. The minimum lot area requirement for single family detached dwellings may be reduced up to 50% from the minimum established for the district in which the development is to be located, and 25% for two-family dwellings. The minimum gross lot area requirement for single family attached dwellings may be reduced to the area of the dwelling unit and for multi-family dwellings, the minimum gross lot area may be reduced to the area of the multi-family dwelling structure.

(5) Minimum Lot Width. The minimum lot width required for single family detached and two-family dwellings shall be 60 feet in the Village District and 75 feet in the Rural Residential District. Width requirements for other types of dwellings shall be as set forth in the District Regulations.

(6) Minimum Yard Requirements.

(a) In the Village District, the minimum yard requirements for single family detached and two-family dwellings shall be:

- (1) Front Yard: 40 feet from road centerline.
- (2) Side Yards: 5 feet each side.
- (3) Rear Yard: 10 feet.

(b) Minimum yard requirements for single family detached and two-family dwellings in the Rural Residential District shall be:

- (1) Front Yard: 50 feet from road centerline.
- (2) Side Yards: 8 feet from each side.
- (3) Rear Yard: 15 feet.

(c) The minimum yard requirements for all other types of dwellings shall be as specified in the District Regulations.

(d) A 50 foot setback shall be provided around the entire perimeter of the development site. The area of this setback may be included as part of the development's required open space, however where such setback area is included as part of the required open space, it shall not then be included as part of any required lot area. If the area of this setback is not included as part of the required open space, then this area may be included as part of the required lot area.

(7) Maximum Building Coverage. The maximum permitted building coverage shall be 30% and shall apply to the entire development tract, rather than to individual lots.

(8) Design Standards.

(a) Arrangement of Buildings and Facilities.

(1) All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the tract, the character of the adjoining property, and the type and size of the proposed

buildings in order to produce a livable and economic land use pattern.

(2) Buildings shall be arranged in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the tract. Grading around the buildings shall be designed to be in harmony with the natural topography, at the same time assuring adequate drainage and safe and convenient access.

(3) In the Village District, there shall be at least 10 feet between single family detached or two-family dwellings, and in the Rural Residential District, at least 20 feet shall be provided between such structures.

(4) In general, the front or rear of any single family attached or multi-family dwelling structure shall be no closer to the front or rear of any other such structure in the development than 40 feet. And, the side of any such structure shall be no closer to the side, front or rear on any other such structure in the development than 30 feet.

(5) If any local, state or federal ordinance, law, statute or regulations, other than this ordinance, requires distances greater than those set forth in subsections (a) (3) and (a) (4) immediately above the greater distances shall apply.

(b) Access and Circulation.

(1) Access to the dwellings and circulation between the buildings and other important project facilities for vehicular and pedestrian traffic shall be safe, adequate and convenient for the residents of the development.

(2) Access and circulation for firefighting apparatus, furniture moving vans, fuel oil trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and maintenance.

(3) Walking distance from the main entrance of a building to a street, driveway or parking area shall be designed to be less than 100 feet. Any exception to this standard shall be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation of topography. In no case however shall the distance exceed 250 feet.

(c) Yards. Yards shall assure privacy, desirable views, adequate natural light and ventilation, convenient access to and around the dwelling and other essential facilities or uses.

(d) Other Design Standards. The design standards set forth in the White Deer Township Subdivision and Land Development Ordinance and in this Chapter shall also be met.

(9) Open Space Requirements. A minimum of 50% of the gross area of the development shall be reserved by the developer as common open space for

the use of all residents of the development. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures or service lanes. The area shall also be easily accessible to all units in the development and shall be free of safety and health hazards. Portions of the area to be used for recreational purposes shall have suitable physical characteristics, including well drained soils, gentle topography, and suitable shape and size.

Applications for residential cluster developments shall include a proposal indicating the ultimate ownership and maintenance of such open space areas. Where such open space is not dedicated to the Township or where such dedication is not accepted by the Township, an Agreement which assigns maintenance responsibilities for the open space and/or recreational facilities shall be submitted by the developer and approved by the Township; noted on and recorded with the final development plan; and included in the deeds for each parcel or dwelling unit within the development. At a minimum, covenants in the Agreement shall:

(a) Obligate the purchasers to participate in a Homeowners Association and to support maintenance of the open space by paying assessments to the Association sufficient to cover the cost of such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.

(b) Obligate such an Association to maintain the open areas as well as any private streets and utilities which may have been approved within the development.

(c) Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance.

(d) Provide that if the Township is required to perform any maintenance work in or for the open space areas, such purchasers shall pay the cost thereof and that the same shall be a lien on their properties until such a cost has been paid; provided that the developer shall be responsible for the formation of the Homeowner's Association of which the developer (or owner, if other than the developer) shall remain a member until all lots in the development are sold. Other equivalent provisions to assure adequate perpetual maintenance may be considered and approved by the Township.

(e) Guarantee that the Homeowner's Association formed to own and maintain the open space will not be dissolved without the consent of the Township.

(10) Criteria for Granting Approval of Residential Cluster Developments. In addition to the standards set forth in this Chapter for review and approval of Conditional Use applications, the following criteria shall be utilized in reviewing applications for residential cluster developments:

(a) The proposed cluster development shall be in harmony with the general purpose, goals, objectives, and standards of the White Deer Township Comprehensive Plan, this Chapter, and the Township Subdivision and Land Development Ordinance;

(b) The proposed cluster development shall not have substantial or undue adverse effects, as compared to a standard development permitted by this Chapter, upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, safety and general welfare;

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

(d) The proposed cluster development shall not result in the destruction, loss or damage of any natural, scenic or historic features of significant importance.

§411. Boarding or Rooming Homes. Boarding or rooming homes may be permitted only in those zoning districts as specified in the District Regulations. All applications for such uses shall also meet the requirements outlined below.

(1) The lot upon which the boarding or rooming home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.

(2) Boarding or rooming facilities shall be accessory to a single family dwelling unit and such uses may or may not include arrangements for meals. And, for the purposes of this Part, the owner of the single family dwelling must occupy the unit as its legal resident.

(3) Accommodations may be provided for up to six (6) additional persons, with a maximum of two (2) persons per bedroom. Such accommodations shall be for periods of one (1) week or more in duration.

(4) Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the PA Department of Environmental Protection. Where applicable, all requirements of the PA Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for a boarding or rooming home.

(5) The off street parking requirements set forth in this Chapter and all other applicable standards of this Chapter shall be met.

(6) Where adjacent land use dictates, in the opinion of the approving authority, adequate buffer yards and/or screen planting shall be provided in accordance with this Chapter.

§412. Group Homes or Institutional Residences. Group homes or institutional residences may be permitted only in those zoning districts as specified in the District Regulations. All applications for such activities shall also meet the requirements outlined below.

(1) Residents of a group home shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share mealtimes and housekeeping responsibilities. (There shall however be a no more than two (2) persons per bedroom.)

(2) Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. For the purposes of this Part, group homes providing accommodations for more than eight (8) residents shall be considered to be institutional residences. Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

(3) Adult supervision shall be provided at the facility on a 24-hour basis.

(4) Applicants for group homes or institutional residences shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.

(5) Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances.

(6) The applicant shall provide a copy of its complete license application and permit from the PA Department of Public Health, where applicable, including drawings, as a part of his application for such a use. Revocation or suspension of the State Permit shall constitute an automatic revocation of the Township Zoning Permit.

(7) Any Zoning Permit for a group home or institutional residence shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified in the application. Said Permit shall be nontransferable.

(8) Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements set forth by the PA Department of Environmental Protection. Where applicable, all other requirements of the PA Department of Labor and Industry shall also be met. Satisfactory evidence that the necessary permits or approvals have been obtained shall be submitted by the developer as a part of his application for such a use.

§413. Personal Care or Nursing Homes. Personal care or nursing homes may be permitted only in those zoning districts as specified in the District Regulations. Every application for such a use shall also meet the requirements outlined below.

(1) Satisfactory evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and the PA Department of Labor and Industry.)

(2) Access to the facilities shall be provided which meets the requirements set forth in this ordinance for multi-family residential uses. Off-street parking in accordance with the provisions of this Ordinance shall be provided. Pedestrian accessways shall be designated which are distinguished and separated from vehicular drives and parking areas.

(3) Where adjacent land use dictates, in the opinion of the approving authority, adequate buffer yards and/or screen planting shall be provided in accordance with this Chapter.

§414. Day Care Centers or Group Day Care Homes. Day care centers, nursery schools, kindergartens, or similar operations which are licensed by the PA Department of Public Welfare to provide care for children outside of a family residence or those providing limited daytime care for adult, elderly, or handicapped persons may be permitted only as set forth in the District Regulations. All such uses shall also meet the requirements outlined below.

(1) Outdoor recreation areas of at least 100 square feet per child and 50 square feet per adult being tended shall be provided. Such areas shall be completely enclosed with at least a four (4) foot chain-link or solid fence located no less than 25 feet from the edge of any adjoining street right-of-way. A dwelling or accessory building may be used as part of the required enclosure.

(2) Outdoor recreation areas shall be sufficiently screened and insulated to the extent possible to protect the neighborhood from noise and other disturbances.

(3) All other applicable codes, ordinances or laws (including regulations of the PA Department of Public Welfare, PA Department of Labor and Industry, and PA Department of Education) shall be met. Satisfactory evidence that all necessary permits or approvals have been obtained shall be submitted as part of an application for a day care center.

(4) Off-street parking facilities shall be provided in accordance with the standards set forth in this Chapter, and drop-off and pick-up areas shall be sufficiently separated from parking areas to avoid pedestrian/vehicular conflicts.

§415. Bed and Breakfast Establishments. Bed and breakfast establishments may be permitted only in those zoning districts as specified in the District Regulations. In addition, the following standards shall also be met:

(1) The operator of the facility shall reside on the premises.

(2) Overnight lodging accommodations for any guest shall not exceed 14 continuous nights nor more than 60 days in any calendar year.

(3) The maximum number of bedrooms in a bed and breakfast establishment shall not exceed six (6).

(4) The maximum number of guests per bedroom shall not exceed two (2) adults and any children under the age of 18 accompanying them.

(5) Lodging accommodations may or may not include arrangements for breakfast or other meals.

(6) Dining facilities and services shall be available only to lodgers, except in the Village District, where such facilities may be open to the public.

(7) Satisfactory evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health and PA Department of Labor and Industry).

§416. Retail Establishments. Retail establishments shall include those facilities and personal service uses specified in the District Regulations. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. Additional documentation may be required where it is deemed necessary by the Township to protect the health, safety and welfare of its residents.

(1) Applications for retail establishments shall include the following information:

(a) A site plan, prepared by a PA-licensed, professional land surveyor, architect or other individual of demonstrated qualification, showing the tract of ground on which the use is proposed and the location of all buildings or structures existing or to be situated on the site.

(2) No on-lot, unenclosed storage or accumulation associated with an approved commercial use shall become a nuisance or create a safety hazard.

(3) All outside display or sale of merchandise or products associated with an approved commercial use shall meet the requirements set forth in this Chapter.

§417. Automotive Service Stations and/or Repair Shops. Automotive service stations and/or repair shops may be permitted only in those zoning districts as specified in the District Regulations. All applications for such uses shall also meet the criteria established for retail uses in this Part as well as the standards outlined below, and all applicable State and federal laws.

(1) No gasoline service station or automotive repair shop shall have an entrance or exit for vehicles within 300 feet of any school, playground, church or public place of assembly, nor within 40 feet of any intersection.

(2) Gasoline pumps or other fuel dispensing devices shall be no closer than 30 feet to any street right-of-way line.

(3) All fuel, oil, propane gas, or other similar substance shall be stored at least 30 feet from any street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)

(4) All associated repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.

(5) Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets the PA Department of Labor and Industry and PA Department of Environmental Protection regulations and is designed to contain all noise, vibrations, dust, and odor generated by the activity.

(6) Automatic car wash facilities may be permitted in conjunction with such uses provided that the applicant can show that his sewage treatment facilities can accommodate the additional loading.

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

§418. Personal Storage Warehouses. Personal storage warehouses are permitted only in those zoning districts as specified in the District Regulations. All applications for such uses shall meet the criteria established for retail uses in this Part as well as the standards outlined below.

(1) There shall be no commercial or residential use conducted from or occurring within such facilities. Such warehouses shall be used exclusively for the storage of personal property, goods, and materials.

(2) Access to such facilities shall be sufficient to accommodate the size and type of items likely to be stored in warehouse units.

§419. Public Entertainment Facilities. For the purposes of this Part, public entertainment facilities shall include, but not be limited to, bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar types of enclosed recreational establishments. Such uses may be permitted only as provided in the District Regulations. In addition, all applications for public entertainment facilities shall meet the criteria established for retail uses in this Part as well as the standards outlined below, and all other applicable State or local requirements.

(1) All such uses shall be conducted entirely within an enclosed structure.

(2) Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. (See also Part 7).

(3) Adequate measures shall be taken to prevent noise or other noxious influences from disturbing nearby residential properties, including the provision of buffer yards and/or screen plantings, as determined appropriate by the Township Planning Commission.

§420. Adult Entertainment Establishments. Adult entertainment establishments or facilities may only be permitted as specified in the District Regulations. In addition, all applications for adult entertainment establishments shall meet the criteria set forth for retail uses in this Part as well as the standards outlined below, and all applicable State or local requirements.

(1) No adult entertainment establishment shall be situated or located within:

(a) 250 feet of the boundary of any Residential District or residential property line;

(b) 500 feet of the property line of any church, school, theater, park, playground, or other areas where minors congregate;

(c) 250 feet of the property line of any retail establishment;

(d) 500 feet of the property line of any other adult entertainment establishment; **nor** in

(e) Any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages.

(2) Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.

(3) All building openings, entries, exists or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.

§421. Manufacturing or Industrial Uses. Manufacturing or industrial uses shall include those assembly or processing operations and activities established in the District Regulations. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance. Additional documentation may be required where it is deemed necessary by the Township to protect the health, safety and welfare of its residents.

(1) Manufacturing or industrial operations shall abut on or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of industrial and employee traffic.

(2) Every manufacturing or industrial operation must be contained within a building, except as may be authorized herein.

(3) No on-lot, unenclosed storage or accumulation associated with an approved manufacturing or industrial use shall become a nuisance or create a safety hazard. Further, any outside display or sale of merchandise must meet the standards established in this Chapter.

(4) Adequate sewage and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. The developer shall provide sufficient documentation along with development plans to indicate that such service will be provided.

(5) Arrangements for the collection, storage and disposal of all solid wastes generated by the operation shall be made by the developer and submitted to the Township for approval as a part of his application for such a use. Where determined appropriate, the Township may request review of the proposed arrangements by the PA Department of Environmental Protection prior to granting approval.

(6) Off-street parking spaces shall be provided in accordance with this Chapter and off-street loading areas shall meet the requirements of this Chapter.

(7) Accessory sales or retail outlets may be permitted to be associated with approved principal uses, but shall be clearly incidental to the industrial use of the subject site. Where such uses are authorized, additional off-street parking shall be provided to satisfactorily accommodate the commercial activity.

(8) Where determined appropriate, in the opinion of the approving authority, buffer years and screen planting shall be provided along the entire perimeter of the site in accordance with the standards set forth in this Chapter.

(9) Compliance with the following minimum performance standards, in addition to all applicable local, State and Federal codes or regulations (including DEP's air, water and noise pollution control standards) shall be required. The developer shall present sufficient documentation with his application for the manufacturing or industrial use to indicate that each of the applicable performance standards will be met.

(a) Sound. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses.

(b) Vibration. No vibrations shall be discernible beyond the property lines of the industry.

(c) Odor. No emission of odorous gas or other odorous matter shall be permitted in such quantity as would be readily detectable along or beyond the lot lines of the industrial operation without the use of instruments.

(d) Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as would be detrimental or dangerous to public health, safety, comfort or welfare, or would cause injury or damage to property or businesses shall be permitted.

(e) Glare. No direct or reflected glare shall be detectable at any point along or beyond the property lines of the industry.

(f) Heat. No direct or reflected heat shall be detectable at any point along or beyond the property lines of the industry.

(g) Dust and Fly Ash. No solid or liquid particles shall be emitted in such quantities as would be readily detectable at any point along or beyond the property lines of the industry or as would produce a public nuisance or hazard.

(h) Smoke. No smoke shall be emitted in such quantity as would become a nuisance.

(i) Fire, Explosion, and Chemical Hazards. In all activities involving, and in all storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire, explosion, leaks or spills, and appropriate firefighting and fire suppression equipment and devices standard in the industry, or as may be required by the OSHA. Burning of industrial waste materials in open fires shall be prohibited.

(j) Radioactivity or Electrical Disturbances. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

§422. Contractor's Shops and Yards. Contractor's shops and yards may be permitted in those zoning districts as specified in the District Regulations. In addition, all applications for such uses shall meet the criteria set forth for manufacturing or industrial uses in this Part as well as the standards outlined below.

(1) Construction, fabricating and fitting activities shall be conducted within an enclosed building or structure, unless recommended otherwise by the Township Planning Commission.

(2) Storage yards shall be buffered and screened from adjacent areas in accordance with the requirements of this Part.

§423. Junk Yard or Auto Salvage Operations. All junkyard and salvage operations shall comply with the provisions of this Chapter and all other local, state and federal ordinances, laws, statutes, and regulations. Where there is a difference the stricter ordinance, law, statute or regulator shall apply.

(1) Such uses shall be conducted within a building or entirely enclosed within a fence or wall not less than eight (8) feet in height and made of a suitable, permanent material. In addition, a buffer yard and screen planting as set forth in this Chapter may be required by the Township. No part of any buffer yard may be used for the storage of any materials or parts associated with the operation.

(2) No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 50 feet of any adjoining property line, public street right-of-way, body of water, stream or wetland. No weeds or scrub-growth over ten (10) inches in height shall be permitted to grow within this setback area. And, where determined appropriate by the Township approving authority, the applicant may be required to prepare and submit a Soil Erosion and Sedimentation Control Plan for his facility.

(3) All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding eight (8) feet.

(4) No oil, grease, tires, gasoline or other similar material shall be burned at any time, and all other burning shall be controlled at all times.

(5) All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vectors that could be hazardous to public health.

§424. Mineral Extraction Operations. Mineral extraction, including the excavation and/or removal of sand, gravel, clay, shale, rock of other similar natural deposits shall be in compliance with all local, state and federal ordinance, laws, statutes and regulations and all required permits shall be obtained prior to commencement of such activities and shall be maintained for as long as such activities continue. Copies of said permits shall be delivered to the Township prior to the commencement of such activities and at such other times as the Township shall request.

(1) Mineral extraction operations shall abut on or provide direct access to a street or highway capable of accommodating heavy trucks and employee traffic. Truck access to any excavation site shall be arranged to minimize danger to traffic and nuisance to surrounding properties.

(2) The Township Supervisors may require the applicant to post a highway performance bond in order to assure the maintenance of local municipal roads used for access and transportation of resources, materials and products of the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. An annual renewal and update of the Zoning Permit for the activity, including the amount of the bond, shall be required. The bond shall be administered in accordance with the provisions of the PA Municipalities Planning Code, as amended, relating to improvement agreements.

(3) The applicant shall submit plans which indicate what precautions will be taken to avoid soil erosion and sedimentation problems where ever any excavation is proposed. The applicant shall consult the County Conservation District concerning these plans and shall obtain a report on the soil characteristics of the site and the acceptability of his erosion control plans. Exposed ground surfaces shall be stabilized or protected with a vegetative cover to prevent soil erosion, unless other erosion control techniques are approved.

(4) Screen plantings, buffering, and/or fencing shall be provided along the perimeter of the excavation site as may be required by State or Federal regulations. Where not specifically regulated by State or Federal standards, a buffer yard of 50 feet and screening in accordance with this Part shall be provided. In addition, in the case of open excavation, a fence, at least six (6) feet in height, shall completely surround the excavation area.

(5) The minimum performance standards for Manufacturing and Industrial Uses set forth in this Chapter shall be met by such operations or activities.

(6) The minimum performance standards contained in this Part shall be met by such operations.

(7) Where permitted, rock crushers, batching or mixing plants, or other grinding, polishing or cutting machinery shall be setback a minimum of 150 feet from all property lines and public rights-of-way and shall be subject to such additional conditions and safeguards deemed necessary by the Township Supervisors to protect the public health, safety and welfare.

(8) Following the extraction operation, the applicant shall restore the area to the contour satisfactory to the Township Supervisors. The applicant shall provide plans and proposals to the Township indicating the process to be followed to bring about this restoration as a part of his application for such a use.

§425. Municipal or Residual Waste Landfills. Municipal or residential landfills shall be in compliance with the provisions of this Chapter and all local, state and federal ordinances, laws, statutes and regulations. All required permits shall be obtained prior to the commencement of such activities and shall be maintained for as long as such activities continue. Copies of said permits shall be delivered to the Township prior to commencement of such activities at such other times as

the Township shall request. In addition such activities shall be in compliance with the following standards:

(1) Failure to comply with all local, state and federal ordinances, laws, statutes, regulations or permits shall be a violation of this Chapter.

(2) Copies of all applications required by any government agency, department, bureau or body as well as all required attachments, supporting data, plans, tests, studies and similar material shall be submitted to the Township with the properly completed Zoning Permit application.

(3) Municipal or residual waste landfills shall not be sited in the following locations: (All distances shall be measured from the property line of the facility, except as may be otherwise indicated.)

(a) Within a 100 year floodplain;

(b) In or within 300 feet of a wetland;

(c) Within 100 feet of a perennial stream;

(d) In a valley, ravine or the head of a hollow where the operation would result in the elimination, pollution or destruction of a portion of a perennial stream;

(e) Within $\frac{1}{4}$ mile upgradient and within 300 feet downgradient of a private or public water source;

(f) Within 300 feet of an occupied dwelling;

(g) Within 300 yards of a building owned by a school district or a school;

(h) Within 300 yards of a park or playground;

(i) Within 10,000 feet of a runway used by turbine-powered aircraft at a Federal Aviation Administration (FAA) certified airport;

(j) Within 5,000 feet of a runway used by piston-type aircraft at an FAA certified airport;

(k) Within the conical area for runway flight paths that are used by turbine-powered or piston-type aircraft;

(l) Within 25 feet of a coal seam, coal outcrop or coal refuse;

(m) In coal bearing areas underlain by recoverable or mineable coals;

(n) In areas underlain by limestone or carbonate formations where the formations are greater than five (5) feet thick and present at the topmost geologic unit; nor shall the landfill facility be located;

(o) Within 100 feet of a property line or the right-of-way of a public street.

(4) The disposal area of a municipal or residual waste landfill shall be located at least:

- (a) 500 feet from an occupied dwelling;
- (b) 300 feet from a property line; and
- (c) 300 feet from the right-of-way of a public street.

(5) The applicant for a municipal or residual waste landfill shall demonstrate, to the satisfaction of the Township, sufficient financial responsibility for the operation of the proposed facility and the ability to provide for insurance protection for personal injury and property damage to third parties arising from the operation of the facility. A copy of any collateral and/or surety bond required by any applicable, statutes, ordinances, rules and regulations, shall be provided to the Township and shall include the Township.

(6) The applicant for a municipal or residual waste landfill shall demonstrate to the Township that the proposed facility is appropriate and suitable for the district and the location in which it is planned.

(7) In addition to the foregoing requirements, the applicant shall provide evidence that all other required governmental approvals have been granted prior to the issuance of a Zoning Permit. Required improvements shall include, but are not limited to, approvals by any Federal or State agencies, storm water management plans, subdivision and land development plans (including appropriate financial guarantees), and approvals under any County or Township ordinances.

(8) In the event the landfill is found to be in violation of any other governmental regulations which require that the operations of the landfill shall cease, such action shall cause the Zoning Permit to be void and forfeited. No resumption of the landfill shall take place in such event unless and until the applicant submits and obtains approval of a new Zoning Permit application pursuant to the requirements of this Chapter and other municipal regulations in effect at the time that such new application is submitted.

§426. Agricultural Uses. Irrespective of the specific uses listed or permitted in any of the Township's zoning districts, agricultural programs shall be permitted and encouraged as an interim use until such time as the property owner sells or transfers his property interests to persons, agents or others interested in developing a use in conformance with the District Regulations. All agricultural uses initiated after the effective date of this Chapter shall be subject to the following safeguards and regulations.

(1) General Agricultural Use Regulations. The following general regulations shall apply to all agricultural uses, as appropriate:

- (a) Private gardens shall be permitted in all zoning districts.
- (b) Commercial animal husbandry activities and operations are permitted only in the Agricultural and Woodland Zoning Districts. In all other districts where the boarding and raising of livestock is permitted, it shall be limited to animals boarded or raised for the landowners personal domestic use.

(1) Livestock shall include both domesticated and wildlife animals that are 4 legged and hoofed.

(2) Poultry shall include both domesticated and wildlife birds.

(3) The minimum lot or parcel size shall be 2 acres.

(4) No more than 2 hoofed 4 legged animals and 50 birds shall be permitted except 1 hoofed animal shall be permitted for each acre in excess of 2 acres with a maximum of 10 hoofed animals.

(5) The boarding or breeding of livestock and poultry shall be for the personal use and consumption of the occupiers of the lot or tract of land upon which the same shall occur.

(6) The raising of livestock and poultry other than for purposes and in the manner and quantity set forth in this section shall be an agricultural use and shall comply with the applicable provisions of this Chapter.

(Ordinance No. 37, adopted May 24, 2011)

(c) Buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall not hereafter be erected within 50 feet of a property line nor within 25 feet of a street right-of-way, except that front yard setback requirements for all agricultural structures shall be as set forth in the District Regulations. All other agricultural buildings shall be set back at least 20 feet from side and rear lot lines in an Agricultural Zone and at least 25 feet from side and rear lot lines in a Woodland Zone.

(d) No outdoor feedlot, compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any occupied dwelling (other than the owner's residence), nor closer than 50 feet to any property line, stream, water body or designated wetland.

(e) All waste storage ponds, waste storage structures (including waste storage tanks and waste stacking facilities), and waste treatment lagoons established after the effective date of this part shall be planned, designed, constructed, operated and maintained in accordance with all applicable Federal and State standards and specifications.

(f) To avoid potential safety problems, cultivation activities shall not be located within the clear sight triangle of any public street intersection.

(g) For the purposes of this Chapter, the first building constructed on a farm in the Agricultural District which is devoted to agricultural use will be considered to be the principal structure on the tract, and any subsequently constructed buildings on the same parcel which are associated with agricultural operations will be considered to be accessory structures. No land development approval will be required for the addition of such accessory structures.

(h) Nothing contained in this Part shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.

(2) Concentrated Animal Operation Regulations. Concentrated animal operations (CAO) may only be permitted in an Agricultural District, and all new or expanded CAO's shall require Conditional Use approval from the Township Supervisors prior to the issuance of a Zoning Permit for the activity. In addition, all applications for CAO's shall satisfy the following criteria:

(a) All concentrated animal operations shall meet the requirements set forth in the PA Nutrient Management Regulations (effective date October 1, 1997; compliance date October 1, 1998, or as may hereafter be amended) for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards established in the Nutrient Management Regulations pertaining to nutrient application, manure management, and manure storage facilities.

(b) All applications to the Township for new or expanded concentrated animal operations shall include the following information:

(1) A detailed written description of the type and size of operation being proposed;

(2) A site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence); and

(3) A copy of the applicant's Nutrient Management Plan, reviewed and approved by the Union County Conservation District, their designated Nutrient Management Specialist, or other identified agent.

(c) Buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall not hereafter be erected within 50 feet of a property line nor within 25 feet of a street right-of-way, except that front yard setback requirements for agricultural structures shall be as set forth in the District Regulations. All other agricultural buildings shall be set back at least 20 feet from side and rear lot lines in an Agricultural Zone and at least 25 feet from side and rear lot lines in a Woodland Zone.

(d) No outdoor feedlot, compost, manure or other similar unenclosed storage shall be located closer than 100 feet to any occupied dwelling (other than the owner's residence), nor closer than 50 feet to any property line, stream, water body or designated wetland.

(3) Non-Agricultural Use Regulations. Consistent with the Governor's Agricultural Land Preservation Policy, issued on October 14, 1997, the overall intent of these provisions is to preserve and protect the community's valuable agricultural lands from irreversible conversion to

uses that result in their loss as an environmental and essential food and fiber resource. All non-agricultural subdivisions proposed in the Agricultural and Woodland Zoning Districts of the Township after the effective date of this Chapter shall therefore be subject to the following regulations.

(a) In the Agricultural and Woodland Zoning Districts, a tract of land containing ten (10) acres or less at the effective date of this Chapter may be developed or subdivided for non-agricultural purposes in accordance with the following criteria.

(1) All non-agricultural lots shall meet the minimum lot size and dimensional requirements established in this Chapter, as applicable; and

(2) Where feasible, all non-agricultural lots should be contiguous, use a common access, and be located so as to afford the least disruption to any farm operation as possible.

(b) In the Agricultural and Woodland Zoning Districts, a tract of land containing in excess of ten (10) acres at the effective date of this Chapter, may only be developed or subdivided for non-agricultural purposes in accordance with the following criteria.

(1) The total amount of land developed or subdivided from non-agricultural purposes shall not exceed ten (10) acres or 10% of the parent tract as it existed at the effective date of this part, whichever is less;

(2) All non-agricultural lots shall meet the minimum lot size and dimensional requirements established in this Chapter, as applicable;

(3) All applications for non-agricultural subdivisions shall include plans showing the applicant's entire allotment of non-agricultural lots either as part of the proposed subdivision or illustrated on the plot plan's residual tract map; and

(4) Where feasible, all non-agricultural lots created from a single tract should be contiguous, use a common access, and be located so as to afford the least disruption to any farm operation as possible.

(c) In the Agricultural and Woodland Zoning Districts, after the effective date of this Part, tracts of land which are subdivided for agricultural purposes into parcels containing 25 or more acres shall not be further subdivided. No residential development shall be permitted on such parcels, nor shall any such parcel be permitted as an addition to an existing lot of record for use a residential site.

(d) This Section 426(3) shall not apply to PSES installation, provided, the area utilized for PSES is not subdivided and ownership is transferred. (Ordinance No. 66, adopted September 22, 2020)

(4) For purposes of this Section, the effective date of this Part is July 25, 1999.

§427. Roadside Stands. Temporary or permanent roadside stands or shelters shall meet the following criteria:

(1) Temporary stands shall not exceed 400 square feet in size and shall be removed during the season when not in use for the sale or display of products.

(2) A minimum of three (3) off-street parking spaces shall be provided where a temporary roadside stand is established. The off-street parking requirements set forth in this Chapter for such structures shall apply to all permanent stands.

(3) Roadside stands shall meet the setback requirements set forth in the District Regulations for structures in the district where they are to be located.

(4) All signs used to advertise such facilities shall meet the requirements set forth in this Chapter.

§428. Kennels. Kennels, where permitted, shall comply with all local, state and federal ordinances, laws, statutes and regulations and the following standards:

(1) Prior to the issuance of a Zoning Permit, applicant shall deliver to the Township copies of all permits or licenses required by any agency or government entity for the operation of a kennel and shall deliver copies of any renewals of said permit or licenses as the same one issued as well as any new licenses and permits.

(2) Any and all outdoor lighting shall be mounted and shielded in such a way so as to avoid causing glare on adjacent lots or properties.

(3) All outdoor kennel areas shall be completely enclosed with a chain link fence or other suitable fence or wall.

(4) Outdoor kennel areas shall be located at least 250 feet from any residential structure, other than the owner's dwelling.

(5) Adequate arrangements shall be made by the applicant for the collection, storage and disposal of excrement, animal parts and other solid waste generated by the use to the satisfaction of the Township and the state agencies. Such arrangements shall be submitted to the Township for review as a part of the application evaluation process. Such wastes shall not create odor, dust or other noxious effects that could be considered public nuisances.

§429. Seasonal Facilities. Seasonal facilities shall include a recreational vehicle, as defined herein, as well as the lot upon which a recreational vehicle will be placed and shall be permitted in those zoning districts as specified in the District Regulations. In addition, every such facility shall meet the requirements outlined below. This Section shall not be applicable to recreational vehicles that are only parked or stored on real estate within the Township. Such parking and storage shall be permitted in all zoning districts.

(1) For purposes of this Part, "recreational vehicle" shall be defined as campers, travel trailers, motor homes, toy haulers or such other

similar units placed on a lot and used on a temporary basis. No buses, trucks, tractor trailers or similar vehicles may be permitted.

(2) Every lot to be utilized for such use shall meet the minimum area and yard requirements set forth in the District Regulations, for the district in which the seasonal facilities are to be located, unless part of an approved campground development.

(3) No more than one recreational vehicle may be placed on an individual lot, unless part of an approved campground development or seasonal facility.

(4) Recreational vehicles may be occupied at a seasonal facility for no more than 90 days in a calendar year.

(5) Where a recreational vehicle is to be placed on a lot and used as a seasonal facility for more than 30 consecutive days, a Seasonal Zoning Permit shall be required and shall be renewed annually.

(6) Seasonal Zoning Permits for recreational vehicles being placed in an identified floodplain area may only be issued for periods of time between April 15 and October 15 of each year

(Ordinance No. 77, adopted July 23, 2024)

§430. Campgrounds or Recreational Vehicle Parks. Campgrounds or recreational vehicle parks may be permitted only in those zoning districts as specified in the District Regulations. Every proposed campground or recreational vehicle park must also meet the requirements outlined below as well as the standards set forth in the White Deer Township Subdivision and Land Development Ordinance.

(1) General Requirements. Zoning Permits shall be required for all campgrounds or recreational vehicle parks. Where such facilities are located in any designated Floodplain District, each campground shall be required to obtain an annual, Seasonal Zoning Permit.

Campgrounds or recreational vehicle parks shall be designed for intermittent recreational use. No year-round residential occupancy of any unit in a campground shall be permitted.

(2) Design Standards.

(a) Minimum Campground Area. A campground shall have a gross area equal to the minimum lot size required for the district in which it is to be located.

(b) Camping Space Requirements.

(1) The maximum number of camping spaces within each campground shall be no more than 15 per acre of gross area of the campground.

(2) Minimum Camping Space Sizes. Each camping space shall contain a minimum of 1,500 square feet. The minimum width shall be not less than 30 feet and the minimum depth not less than 50 feet.

(3) Camping Units. No more than one (1) camping unit (recreational vehicle, or other similar unit) shall be located on each camping space. (Tents shall not be governed by this limitation.)

(4) Accessory Structures. No permanent accessory structures, including sheds, storage building, porches, privies, etc. shall be placed on camping spaces located in floodplain areas.

(c) Setbacks, Buffer Yards and Screening Requirements.

(1) Park Perimeter Buffer Yard. All camping spaces and auxiliary park structures shall be located at least 50 feet from the campground boundary lines, including public road right-of-way. If a suitable, attractive screening of natural plantings is provided along the perimeter, this minimum buffer may be reduced to 25 feet.

(2) Minimum Distance Between Structures and Camping Spaces. All camping spaces shall be located at least 30 feet from any auxiliary building.

(3) Minimum Distance Between Camping Units. Individual camping units shall be separated by a minimum of 15 feet.

(d) Camping Space Access. All camping spaces shall abut and have frontage on a street of the campground internal street system. (See also Sub-Part B.5 below.) In addition, at the entrance intersection of the campground, a 50 foot wide cartway shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.

(e) Campground Internal Street System Requirements. The internal street system shall be designed and constructed in accordance with the applicable street standards outlined in the White Deer Township Subdivision and Land Development Ordinance. It shall be the responsibility of the campground owner to maintain all such streets within the campground.

(f) Off-Street Parking Requirements. A minimum of two (2) vehicle off-street parking spaces shall be provided for each camping space. There parking spaces shall be located on the lot which they are intended to serve. One (1) additional parking space shall be provided for each five (5) camping spaces within the campground at such location(s) as will afford maximum useability.

(g) Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans). All grading, soil erosion and sedimentation control requirements set forth in the White Deer Township Subdivision and Land Development Ordinance shall be met.

(h) Drainage Facilities. All drainage and/or stormwater management standards set forth in the White Deer Township Subdivision and Land Development Ordinance shall be met.

(i) Campground Lighting. Where determined appropriate, campgrounds shall be furnished with lighting by the developer/owner

which is designed to adequately illuminate driveways, walkways, streets, and intersections, so as to provide for the safe movement of pedestrians and vehicles throughout the development at night.

(j) Common Open Space Requirements. A minimum of ten (10) percent of the gross area of the campground shall be reserved by the developer/owner as common open space for the use of all occupants of the park. At least a portion of this area shall be set aside for recreational use. Such recreation area shall be suitable for outdoor recreation activities and shall be easily accessible to all camping spaces. All provisions outlined in the White Deer Township Subdivision and Land Development Ordinance regarding such open space shall also be met. Applications for campgrounds or recreational vehicle parks shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such common open space and recreation areas. Copies of such arrangements shall be noted on the development plans and included in the lease for each camping space.

(3) Utilities and Park Facilities.

(a) Sewage and Water Facilities. The standards of the Department of Environmental Protection for the provision of sewer and water facilities shall be met. Documents and approvals indicating that these standards have been met along with notations on the campground plan showing the location of water sources and restrooms shall be presented to the Township by the applicant. (No Zoning Permit shall be issued for the campground until the sewage and water supply systems have been approved by DEP.) Where individual sewer hook-ups are not provided for each camping site, a DEP-approved community dump station must be provided by the developer for sewage disposal within the campground. It shall be the responsibility of the campground developer/owner to maintain all such facilities and comply with all local sewage regulations.

(b) Other Utility Systems. Where electric or other utilities are to be provided, plans shall be provided by the developer/owner and approved by the Township and the applicable utility company.

(c) Solid Waste Collection. Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the users of the proposed campground shall be made by the developer/owner and submitted to the Township as a part of the development plan evaluation process.

(d) Service and Other Campground Buildings. Service, maintenance and management buildings and commercial sales buildings required for the management, servicing and maintenance of the campground may be allowed provided that such buildings are used exclusively for said purposes. Structures may be located within the Flood Fringe or General Floodplain District as long as they are adequately floodproofed, but no structures may be located within the Floodway District.

(e) Campground Management. During times of operation, each campground owner shall designate a resident manager who shall be responsible for maintaining the facility in accordance with the

requirements of this Part and the terms and conditions of the campground's approval.

(4) Campgrounds in Floodprone Areas.

(a) Permit Requirements. Each campground proposed to be located within a designated Floodplain District, shall be required to obtain an annual, Seasonal Zoning Permit. Such Permits will only be valid from April 15 through October 15 of each year. All units must be removed from the floodplain during the remainder of the year.

(b) Evacuation Plan. Where campgrounds are proposed to be located within any designated Floodplain District, a workable evacuation plan must be submitted as a part of each application for a Seasonal Zoning Permit. Said plan must insure that all units will be removed from the floodplain during flood events.

(c) Anchoring. Camping units being placed in campgrounds located within any designated Floodplain District must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports and no activity may take place on the site which would interfere with the prompt and safe evacuation of the units in times of flood danger.

§431. Parks, Playgrounds or Recreation Areas. If specific recreational facilities are not specified or regulated elsewhere in this Chapter, the following standards shall apply:

(1) A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with his application for the use.

(2) A statement shall be submitted by the applicant indicating the reasons why the proposed facility is appropriate for the district in which it is to be located. Off-street parking facilities shall be provided in accordance with the requirements of this Chapter.

(3) Sewage disposal facilities, when proposed, shall be provided by the applicant in accordance with the standards of the PA Department of Environmental Protection and applicable local sewage regulations.

(4) Arrangements for the collection, storage and disposal of all solid wastes generated by the facility shall be made by the applicant and submitted to the Township for approval as part of his application for the use.

(5) Where appropriate, outdoor security lighting shall be provided for the facility. All lighting shall be installed and shielded however to eliminate direct glare on adjacent properties or upon public streets.

(6) All buildings, structures or active recreation activities shall be appropriately screened in accordance with the requirements of this Part, fenced, or shall be setback at least 50 feet from all property lines.

(7) The proposed hours, rules, and security arrangements for the facility shall be included with the application for any such use. Consideration shall be given not only to the convenience of the users, but

the convenience, safety and welfare of the neighborhood or area in which the facility is to be located.

(8) Where the proposed activity involves a commercial or institutional recreation development which presents a potentially hazardous situation, additional precautions shall be taken by the applicant to ensure the safety of the public and such uses shall require Conditional Use approval from the Township Supervisors. In all such circumstances, the Supervisors shall review the precautions being proposed and shall determine their adequacy before authorizing the Conditional Use.

§432. Utility Supply Facilities. For the purposes of this Part, utility supply facilities shall include those facilities, buildings and/or structures constructed and maintained by municipal or governmental agencies, public utility companies, or public service corporations, which are necessary for the provision of utility services to the general public, such as electric substations, reservoirs, water or sewage pump stations, and sewage treatment plants. (For the purposes of this Part, utility supply facilities shall not include commercial communications transmitting and receiving facilities which are addressed in this Chapter below.) Utility supply facilities shall meet the following standards.

(1) Utility supply facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.

(2) Structures may be permitted for the housing of transformers, pumps and similar equipment, but shall be subject to the setback requirements provided in the District Regulations for the district in which they are located. Such structures shall house only that equipment necessary to provide normal maintenance and repair for the systems. Office space may only be provided in the Village and Commercial Districts.

(3) Outdoor or unenclosed storage yards associated with utility supply facilities may only be situated in the Commercial and Manufacturing District. When authorized, such storage areas shall be enclosed with a fence and shall be shielded from public view by the use of screen planting. In addition, where adjacent land use dictates, in the opinion of the approving authority, buffer yards of 25 feet may also be required to provide sufficient separation of uses.

§433. Wireless Telecommunications. It has been determined by White Deer Township that due to the uniqueness of Wireless Telecommunication Facilities, such facilities, while needed and useful, pose significant concerns to the health, safety, public welfare, character and environment of White Deer Township and its citizens. While recognizing the need and usefulness of such facilities, White Deer Township has determined that due to the uniqueness of such facilities special regulations and procedures are needed to protect the health, safety, welfare, character and environment of the Township and its citizens. Therefore, where permitted by Zoning District Regulations, all applications for such facilities or modifications to such facilities and all such facilities shall comply with the following requirements.

(1) Pre-Application Procedures. It is recommended, but not required, that the applicant for a Zoning Permit for Wireless Telecommunication Facility or a modification thereto discuss the same with the White Deer Township Zoning Officer prior to the submission of the Application. It

will be beneficial for both the Township and the Applicant that preliminary discussion be held to familiarize the Applicant with the provisions of this section and to familiarize the Township with the Applicant's plans. As part of this process a site visit should be conducted.

(2) Application. The Applicant for a Zoning Permit for a Wireless Telecommunications Facility shall submit an Application for a Zoning Permit on the form prescribed by the Township. In addition to the information generally required for an Application for a Zoning Permit the following additional information shall be provided with the Application:

(a) The name, address and telephone number of the Applicant and the Owner, if the Owner of the land is different than the Applicant. The Applicant and Owner shall sign the application.

(b) The Applicant shall attach a statement to the Application stating that the facility shall be maintained in a safe manner and in compliance with all applicable local, state and federal ordinances, statutes, rules and regulations. The statement shall be signed by the Applicant.

(c) If the Applicant is an entity other than a person it shall submit with the Application proof, satisfactory to the Township, that it is authorized to do business in the Commonwealth of Pennsylvania, that it is properly organized and operating under the laws of its state of organization and the Commonwealth of Pennsylvania, that it has legal authority to make the application, construct, lease or operate the facility and shall state the type of entity.

(d) If the Applicant is not the person or entity who or whom will be operating the facility the Applicant shall, in writing, identify the operator by name and address and provide the information required by Section §433(1) above with regard to the operator.

(e) Documentation that demonstrates the need for the Wireless Telecommunication Facility to provide service primarily and essentially within the Township. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites.

(f) A diagram, drawn to scale, setting forth distances, dimension and heights for all structures, landscaping, trees and fences, existing or proposed, located within 500 feet of the proposed facility. All such information shall be certified to be true and correct by an engineer or surveyor licensed by the Commonwealth of Pennsylvania.

(g) The number, make, model, manufacturer and design of all Telecommunication Structures (including Towers) and Antennas proposed and the basis for the calculations of the Telecommunication Structures' capacity to accommodate multiple uses.

(h) A narrative description with diagrams, drawing and plans, done to scale, of the proposed Telecommunication Structures and all related fixtures, appurtenances, and apparatus, materials, color, lighting and height above pre-existing grade.

(i) The frequency, modulation and class of service of radio or other transmitting equipment together with the intended transmission and maximum effective radiated power of the Antenna.

(j) Direction of maximum lobes and associated radiation of the Antenna.

(k) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC.

(l) Certifications that the proposed antenna will not cause interference with other telecommunications devices.

(m) A copy of the FCC license applicable for the intended use of the facility.

(n) Certification that the site is adequate to assure the stability of the proposed facility after considering such matters as are appropriate including but not limited to topographic and geomorphologic studies and analysis, subsurface and substrate conditions and drainage plans.

(o) A narrative explanation of efforts to secure a shared use of an existing Wireless Telecommunication Facility or use of an alternative building or structure within the Township. Copies of written requests and responses with regard to the same shall be included.

(p) Certification that the Wireless Telecommunication Facilities and all components are designed and will be built and maintained in accordance with all local, state, and federal ordinances, statutes, rules and regulations.

(q) An environmental assessment analysis and a visual addendum, satisfactory to the Township, if the Township determines in its sole discretion, that the same is necessary.

(r) A Visual Impact Assessment which shall include (i) a Zone of Visibility Map to determine the locations from which the facility may be observed, (ii) pictorial representations of key viewpoints as may be appropriate including but not limited to public roads, public parks, public lands, historic districts and sites and from such other locations where the site is visible to large numbers of persons, and (iii) an assessment of the visual impact of the facility as it relates to appropriate screening.

(s) Copies of all applicable permits and licenses required by law, rule, ordinance, regulation or code.

(t) A written determination as to necessity for lighting the Wireless Telecommunication Facility or any of its components in accordance with FAA regulations, as well as all correspondence and filling with, to and from the FAA.

(u) All certifications, reports, materials, drawings, diagrams or similar materials shall be prepared, signed and attested to be accurate and correct by a person, persons or entity, satisfactory to the Township, who or whom, by training or education or both is, in

the sole discretion of the Township, qualified to prepare the same, where appropriate the person preparing the said certifications, reports, drawing, diagrams and related material should be an engineer licensed by the Commonwealth of Pennsylvania.

(v) The determination by the Township that any of the information provided in the application or submitted with the application is incorrect shall be grounds for the denial or revocation of the application or permit as the case may be.

(3) Location of Wireless Telecommunication Facilities.

(a) Wireless Telecommunication Facilities shall be located, sited and constructed in accordance with the following list of locations which are set forth in the order of priority:

(1) Existing Wireless Telecommunication Towers without increasing the height of the Tower;

(2) Structures already used for Wireless Telecommunication without increasing the height of the structure;

(3) Other existing structures without increasing the height of the structure.

(4) Lands and structures owned by White Deer Township, Union County, Pennsylvania.

(5) Existing Wireless Telecommunication Towers where the height is increased.

(6) Other lands.

(7) Structures already used for Wireless Telecommunications where the height of the structure is increased.

(b) Any application for the placement of a Wireless Telecommunication Facility at a location other than set forth in Section 433(3)(a)(1) above shall be accompanied by a detailed written explanation, as to why it is not located at such a site, which has a higher priority. If the Township is satisfied that the Applicant has made a reasonable effort to obtain a higher priority site but has been unsuccessful it may issue a permit for a lesser priority site.

(c) The reasons for the selection of a site of lesser priority shall not include refusal of Wireless Telecommunication Facility owner or operator, for which a permit has been issued after the effective date of this Ordinance, to permit such co-location. All owners and operators of Wireless Telecommunication Facilities for which a permit has been issued after the date of this Ordinance shall permit co-location unless the same is technically or commercially impractical.

(d) The following shall be considered by the Township in determining if a site is acceptable and may deny a permit if a site is determined to be unacceptable:

(1) Fails to comply with all applicable ordinances, statutes, laws, rules, regulations or codes.

(2) Conflicts with the historic nature or character of a neighborhood.

(3) The placement would create an unacceptable risk or the reasonable probability of such, to Township residents or the public.

(e) The written explanation referred to in 432C.2 above shall include a inventory of all existing Wireless Telecommunication Facilities within four (4) miles of the proposed site, unless the applicant can demonstrate that some other distance is more reasonable, and shall include an explanation as to why an existing facility cannot be used for the proposed facility. The requested co-location shall be for the minimum Antenna array technologically required to provide service primarily and essentially within the Township.

(4) Height of Telecommunication Facility.

(a) The height of any Wireless Telecommunication Facility shall be the minimum height required to provide service primarily and essentially within the Township. Applicant shall submit with the application such documentation as is necessary to establish the minimum height required.

(b) No new facility or modification of an existing facility shall be approved which is of such height as to require artificial lighting unless it can be clearly established by the Applicant that such greater height is required based upon technological considerations.

(5) Appearance and Visibility of Wireless Telecommunication Facilities.

(a) No facility shall be artificially lighted or marked except as required by applicable laws, ordinances, statutes, codes, rules and regulations.

(b) Towers shall be galvanized and painted with rust-preventive paint of an appropriate color to be compatible with the surroundings and shall be maintained in a safe and stable condition.

(c) If artificial lighting is required it shall be as unobstructive and unoffensive as is permissible under appropriate ordinances, statutes, laws, rules, regulations and codes. A detailed plan for such lighting shall be provided by Applicant.

(6) Security of Wireless Telecommunication Facilities. All antennas, towers, supporting structures including guy wires, transmitters and control points, sheds and other related facilities shall be secured and maintained in such manner as to prevent access by any persons other than those authorized to operate or service the said facilities. The manner in which the facility is to be secured shall be subject to the approval of the Township.

(7) Signage. A sign, no larger than 4 square feet, shall be erected at such place as the Township shall approve identifying the facility and notifying persons in the immediate area of the presence of the facility. The sign shall include the name of the owner and the name of the operator as well as their addresses and an emergency telephone number. No other signs shall be permitted except as may be required by the Township for safety reasons.

(8) Lot Size and Setbacks. All Wireless Telecommunication Facilities shall be set back from all lot lines and structures a distance equal to the height of the facility, including towers and antennas, plus 10% of such height.

(9) General Requirements.

(a) The design, construction and maintenance of the Wireless Telecommunication Facility shall be in accordance with all applicable local, state and federal ordinances, laws, statutes, codes, rules and regulations and industry standards, certification of the same shall be provided by Applicant to Township. The certification shall be made by such person or entity who, by training and/or education shall be, in the sole discretion of the Township, qualified to make such certification.

(b) All representations made by application or on behalf of Applicant, either in writing or orally, shall be considered material and if found to be incorrect shall be the basis for rejection or revocation of a Zoning Permit.

(c) All utilities servicing the Wireless Telecommunication Facility shall be installed underground.

(d) All Wireless Telecommunication Facility shall be sited and designed so as to have the least visually intrusive effect on the surrounding area as possible. The same to include: building materials, colors, textures, landscaping and the utilization of stealth or concealment technology.

(e) All Wireless Telecommunication Facility shall be serviced by either a public or private road, 2 parking spaces and adequate area for the ingress, egress and operation of all service, construction, and emergency equipment and vehicles. Maximum use of existing private and public roads shall be utilized. Where access is by private road Applicant shall provide evidence that Applicant has the perpetual legal right to utilize the private road for Applicant's purposes.

(f) All Wireless Telecommunication Facilities shall be operated and maintained in accordance with all applicable local, state and federal ordinances, laws, statutes, rules, regulations and codes and the operator of any said facility shall, at all times, maintain all required licenses and permits. Failure to so do shall be grounds for denial or revocation of a Zoning Permit.

(g) Wireless Telecommunication Facilities shall be designed and constructed to accommodate 6 commercial applications, the intent being to co-located on one Tower or structures, 6 such uses where

feasible. This requirement may be waived if the applicant establishes, to the satisfaction of the Township, that such design is not technologically feasible, commercial practicable or that it creates an unreasonable burden.

(h) Owners and operators of Wireless Telecommunication Facilities shall not enter into contracts or agreements for the lease or uses of such facilities that would prevent the co-location of other Wireless Telecommunications operations at such facility. Owners and operators shall negotiate in good faith and under reasonable terms and conditions for the co-location of wireless telecommunications. Failure to so do shall be grounds for revocation of a Zoning Permit.

(i) Any modification, reconstruction, expansion, or change in a Wireless Telecommunication Facility, other than normal repairs, shall require a Zoning Permit.

(10) Annual NEIR Certification. The operator of a Wireless Telecommunication Facility shall, annually, certify to the Township that NEIR levels at the site are within the threshold levels adopted by the FCC. Said certification shall be attested to by a person or entity who or whom is, by education or experience, qualified, in the opinion of the Township, to make such certifications.

(11) Inspection. During and after construction of a Wireless Telecommunication Facility the Township shall have the right, but not the duty, to enter upon the lands of the said facility to make inspections of said facility. Township shall have the right to request and inspect and copy all documentation applicable to the facility and its operation.

(12) Liability Insurance. Owners and operators of Wireless Telecommunication Facilities shall obtain and maintain at all times public liability insurance for personal injuries, death and property damage in the amount of \$2,000,000.00 per occurrence. The Township its employees, agents, officers, attorney and consultants shall be listed as additional insured. The coverage shall be with an insurance company authorized to do business in the Commonwealth of Pennsylvania and shall have a Best's A rating. The policy shall contain an endorsement that 30 days notice shall be given to the Township prior to cancellation of the policy. Copies of said policies shall be delivered to Township upon the issuance of said policy. Failure to comply with this provision shall be the basis for the revocation of the Zoning Permit.

(13) Removal of Wireless Telecommunication Facility.

(a) Under the following circumstances a Wireless Telecommunication Facility shall be removed and its location shall be restored to the same condition as it was prior to the installation of the said facility.

(1) Failure to comply with any applicable local, state, federal laws, ordinances, statutes, rule, regulation or code after being given 30 days written notice of said failure.

(2) Failure to use such facility for a period of 180 days (consecutive or non-consecutive) in any 365 days period provided however that active repairs, renovations,

reconstruction or modifications of a facility shall not be considered non-use.

(3) Deterioration in the condition of the facility to such extent that the Township determines it creates a safety or health hazard and failure to repair the same within 30 days of said notice of the said condition.

(b) Upon determining, in accordance with the above provisions, that the said facility shall be removed the Township shall notify the owner and/or operator of the same in writing sent by certified mail return receipt requested or by some other means that assures delivery. Said owner or operator shall immediately commence the removal of the facility and if not commenced immediately or completed within 90 days of the receipt of the said notice the Township may enter upon the said lands and commence or complete the said removal, the costs of the same to be paid by the owner and/or operator.

(14) Performance Security. As a condition to the issuance of a Zoning Permit for a Wireless Telecommunication Facility, financial security in the amount of \$100,000.00 shall be placed with the Township to assure compliance with the provisions of this Ordinance. The form of such security shall be subject to the Township's approval and shall be maintained until the removal of the facility.

(15) Indemnification. The owner and the operator of a Wireless Telecommunication Facility shall indemnify and save White Deer Township, its employees, agents, supervisors, attorneys and consultants harmless from any and all claims, suits, demands, causes of action, awards or damages in either law or equity arising out of or caused by the placement, construction, erection, modification, location, use, operation, maintenance, repair, installation, replacement, removal or restoration of said facility, the same to include but not be limited to attorney fees, consultant's fees, expert witness fees, and costs incurred by White Deer Township, its employees, agents, supervisors, attorneys and consultants, in defending against such claims, etc.. Said owners and operators shall execute a written indemnification at the time application is made for a Zoning Permit. Provided, however, that if the Applicant is White Deer Township, no indemnification shall be required.

(16) Expert Assistance. The Township may retain the services of such consultants and experts it deems necessary and appropriate to assist the Township in the administration and enforcement of this provision of this Ordinance.

(Ordinance No. 02-04, adopted May 28, 2002)

§434. Swimming Pools.

(1) Private Swimming Pools. Private swimming or bathing pools (pools used by the occupant and his guests) may be permitted as accessory uses in all zoning districts, but must comply with the following requirements.

(a) Every outdoor private swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than four (4) feet in height to prevent uncontrolled access. (No additional fence or wall shall be required where a minimum of four (4) feet of the wall around the

entire perimeter of the pool are located above the ground; provided, that steps, ladders and other means of access to the pool are removed or secured to a minimum of four (4) feet above ground level when the pool is not in use.) All gates or doors in the fence or wall shall have self-latching or locking devices.

(b) A dwelling or accessory structure may be used as part of the required enclosure.

(c) A permanent fence or enclosure as set forth above shall be in place around the pool prior to its use.

(d) The pool shall not be located within any required front yard nor closer to any side or rear property line than is established for accessory structures in the district where the pool is located.

(2) Public Swimming Pools. Public swimming or bathing pools shall be defined as those facilities available for use by the public, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with motels, commercial lodging facilities, or mobile home parks. Such pools shall be subject to all applicable local, state and federal statutes, laws, ordinances, rules and regulations. And, for the purpose of this Part, such uses shall be considered to be Recreational Facilities and shall be governed by the provisions of this Chapter.

§435. Home Occupations. Home occupations may be permitted as accessory uses in all zoning districts, except the Commercial and Manufacturing District. All such activities shall comply with the following requirements.

(1) The area devoted to the permitted home occupation shall be located entirely within the owner's dwelling and shall not occupy more than 25% of the gross floor area of the dwelling, up to a maximum of 600 square feet. The use of a detached structure for the location of a home occupation must be approved by the Zoning Hearing Board as a Special Exception, and occupations so located may not occupy more than 600 square feet of gross floor area.

(2) The home occupation shall be clearly secondary to the principal residential nature or use of the dwelling.

(3) Persons engaged in a permitted home occupation shall be limited to the members of the household of the operator residing on the premises and not more than one (1) additional non-resident employee.

(4) A majority of all goods and products sold on the premises shall be produced on the premises. Such limitation shall not however pertain to service-oriented home occupations.

(5) A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safety of the neighborhood in which the use is located.

(6) No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.

(7) The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood.

(8) There shall be no exterior display or sign, except as may be permitted in Chapter 27, and no outside or unenclosed storage or materials associated with the business on the premises.

(9) A minimum of two (2) additional off-street parking spaces shall be provided for all home occupations.

(10) No impact home based business shall be subject to the following requirements:

(a) The business activity shall be compatible with the residential use of the property 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 or 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 activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(h) The business may not involve any illegal activity.

(Ordinance No. 02-10, adopted December 17, 2002)

§436. Accessory Residential Uses. For the purposes of this Part, accessory residential uses shall include apartments or dwelling units above or adjoining principal commercial uses in the Village and Commercial Districts. Every such proposed use shall also meet the requirements outlined below.

(1) All such uses must remain secondary to the principal commercial use of the structure.

(2) The minimum gross floor area requirements set forth in this Chapter shall be met.

(3) The off-street parking requirements set forth in this Chapter shall be met for both the commercial and residential uses.

(4) Sewage and water facilities shall be sufficient to handle the anticipated loading created by the addition of the dwelling unit(s) and shall meet the requirements of the PA Department of Environmental Protection.

§437. Accessory Warehousing and Storage Facilities. Warehousing and/or storage facilities accessory to an approved, principal use may be permitted in the Village, Commercial or Commercial and Manufacturing Districts, but shall be subject to the following standards.

(1) In the Village District, such facilities shall contain no more than ½ of the gross floor area of the structure to which they are accessory. No containers, buses, mobile homes or trailers shall be used for such storage.

(2) In the Commercial and Commercial and Manufacturing Districts, accessory storage may also include facilities for no more than two (2) temporary storage containers. (The area of all such containers shall also be included when calculating the percentage of building coverage and impervious surface for the site.)

(3) There shall be no residential use of accessory warehousing or storage facilities.

(4) Accessory storage facilities shall not be located in the area between the front of a site's principal building and the street, and shall be situated so as to meet the applicable side and rear yard requirements of the district in which they are located.

§438. Accessory Storage Trailers. For the purposes of this Part, an accessory storage trailer shall be defined as that part of a tractor trailer truck which is pulled by the tractor, but which has been detached from the tractor, placed on a lot with a principal use, and is being used or is being proposed for use for storage purposes, either temporarily or permanently. No buses or mobile homes may be used as accessory storage trailers. The following standards shall be applied to such uses:

(1) Storage trailers may only be permitted as accessory uses in the Commercial and Manufacturing and Agricultural Districts. Such units must be used for storage purposes and all unused or vacant units must be removed from the site.

(2) In the Commercial Manufacturing District, temporary storage trailers may be placed on a site for no more than 30 days in any six (6) month period. There shall be no time limit for temporary units placed on a site in the Agricultural District so long as the units remain located on the agricultural land they are serving.

(3) Where such units are to be permanent, the suspension system under the trailer shall be removed and the unit shall be placed on a foundation or shall be otherwise affixed to the ground. Where such unit is to be used for agricultural purposes however, wheels may be left on the unit as a means of facilitating its use for such activities.

(4) There shall be no residential use of accessory storage trailers.

(5) No more than two (2) such units may be permitted to be located on a single tract of ground.

(6) Permitted storage trailers, whether temporary or permanent, must meet all applicable setback requirements for the district in which they are located and shall be situated on the site so as to be as inconspicuous as possible.

(7) No accessory storage trailers shall be permitted in the Floodway District. When located in any other designated floodplain area, all such units shall be floodproofed in accordance with the standards set forth in this Chapter.

§439. Outside Display or Sale of Merchandise or Products. For the purposes of this Part, outside display or sale of merchandise or products may only be authorized as accessory to an approved, principal use in the Village, Commercial, and Commercial and Manufacturing Districts and shall be subject to the following standards.

(1) Such displays shall not constitute a nuisance nor create a safety hazard.

(2) All such displays shall be situated so as to meet the applicable front, side and rear yard setback requirements of the district in which it is located.

(3) No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such display.

(4) No display areas shall be placed in a clear sight triangle nor shall they obstruct the area of a clear sight triangle.

(5) In no case shall the display cause the lot to become a junk yard nor shall such accumulation become an independent commercial operation.

(6) No perpetual outside displays or sales shall be permitted, except where such display is a necessary part of an approved, principal use.

§440. Ground Mount Solar.

(1) Accessory Residential Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems accessory to a residential use of no more than four (4) residential units shall be located in rear and side yards and shall be at least fifteen feet (15') from all side and rear property lines, with a maximum height of eight feet (8').

(2) All Other Accessory Ground Mount Solar. Unattached ground mount Accessory Solar Energy Systems, other than those set forth in §440(1), shall comply with the following:

(a) Glare.

(1) All solar photovoltaic cells shall be treated with an anti-reflecting coating in accordance with the highest industry standards.

(2) The system shall be placed such that concentrated solar radiation or glare does not project onto nearby

structures, roadways or beyond the boundaries of the land upon which it is located.

(b) The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

(c) The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

(d) No portion shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment provided they comply with the prevailing sign regulations.

(e) No trees or landscaping required by state, federal or Township statutes, laws, ordinances rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.

(f) The owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than three (3) days after the inquiry or complaint was filed.

(g) Owners shall maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.

(h) A Contingency Plan of Emergency Procedures shall be developed by the facility owner consistent with standard operating practices of the industry. The Plan shall be submitted to the fire department servicing the area where the facility is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.

(i) Decommissioning.

(1) The owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of operations of the facility, the facility shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are not completed as herein provided.

(2) The owner shall then have six (6) months in which to dismantle and remove the facility including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the facility within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The Board of Supervisors may authorize one six (6) month extension for just cause shown by the owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township ordinances.

(j) Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

(k) The owner shall comply with the Township subdivision and land development requirements. The installation and operation of the system shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

(l) The area upon which the system is located shall not exceed forty percent (40%) of the lot or tract not otherwise utilized for structures, driveways, parking lots or other uses and shall be in compliance with all other provisions of Township ordinances.

(m) No facilities shall be located in the front yard and shall comply with the rear and side yard requirements for the zoning district in which it is located.

(n) In all cases, there shall be a minimum distance of thirty feet (30') between the boundary line of the lot or tract upon which the facility is located and any component of the facility, which shall include the required fencing and screening.

(o) Ground mounted facilities shall not exceed ten feet (10') in height as measured vertically from the top of the component and the ground below the component.

(p) Impervious Coverage.

(1) The area beneath the ground mounted facilities is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the impervious surface exceeds the permitted impervious area, the owner shall comply with the said statutes, ordinances, rules and regulations.

(2) The following components shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(b) All mechanical equipment including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(c) Gravel or paved access roads servicing the facility.

(q) Owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

(r) Screening. Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:

(1) Screening shall consist of evergreen trees and shrubs;

(2) Screening shall be installed on the exterior of said fencing:

(a) When the fence faces adjacent land utilized for residential purposes and the land is located within 100 feet of the fence.

(b) When the fence faces an adjacent road or street that meets the definition of a collector road or street as defined by the PA Department of Transportation.

(3) The trees or shrubs shall be a minimum of eight feet (8') in height and of sufficient size and placed in such location as to visibly obscure the fence within three (3) years of planting. The said trees or shrubs shall be replaced as needed to comply with this provision.

(4) A screening plan shall be submitted with the application for a land development plan.

(s) In Agricultural Zoning Districts, no more than twenty percent (20%) of the entire area for development shall consist of Class I and Class II prime agricultural soils as defined by the then current version of the NRCS Custom Soil Resource Report.

(t) Ground mounted facilities shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

(u) Security

(1) All ground mounted facilities shall be completely enclosed by an eight foot (8') high fence and all gates shall have locks.

(2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for facilities outside the required screening. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.

(v) Access.

(1) An access road, in compliance with the Township regulations on driveways, must be provided from a state or township roadway into the site.

(2) Service roads within the area of the facility, at a minimum of sixteen feet (16') width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the facility.

(w) The facilities shall not be artificially lighted except in compliance with all applicable federal, state, or local statutes, ordinances, rules and regulations, the primary purpose of said lighting being for safety purposes.

(x) If a ground mounted facility is removed, the same shall be in accordance with all applicable federal, state and Township statutes, ordinances, statutes, rules and regulations.

(y) The owner shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the owner's expense and shall be submitted with the application for a permit signed by said owner.

(z) The applicant for a Zoning Permit shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to

decommission the facility. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the facility is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the facility or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the owner within ten (10) days of receiving a bill for the same.

(Ordinance No. 66, adopted September 22, 2020)

§441. Temporary Uses and Structures.

(1) Circuses, Carnivals or Open-Air Cultural, Religious, or Sporting Events. Temporary uses such as carnivals, circuses or other open-air cultural, religious, or sporting events may be permitted in the Village, Commercial and Manufacturing, or Agricultural Districts. A Temporary Zoning Permit shall be required to be issued by the Zoning Officer for such a temporary use or activity. Such Temporary Permit shall be valid for not more than 14 days and shall not be issued until the applicant has met the following requirements:

(a) If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written statement from

the owner of the property in which he agrees to the temporary use of his property.

(b) The applicant shall carry liability insurance in the amount of \$2 million for each event. Evidence of such insurance shall be submitted as a part of the Permit application.

(c) The site of such temporary use shall not be left unattended by the applicant or agents of the applicant at any time during which the use is located on the site.

(d) Information concerning water supply and sewage disposal facilities to be used shall be presented by the applicant with assurance from the PA Department of Environmental Protection that these arrangements are adequate.

(e) Any solid waste generated by the temporary use shall be collected and disposed of in an acceptable fashion by the applicant.

(f) The applicant shall assure the Township that all vendors intending to dispense food or beverages to the public will be properly licensed or approved by the PA Department of health to do so.

(g) Assurance shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions will be taken.

(h) All wagons, tents, temporary structures, animals and any other materials brought to the site, as well as all debris or refuse generated by the event, shall be removed by the applicant within the time limit stated on the Temporary Permit and prior to vacating the site.

(i) The application shall include a pedestrian and vehicular circulation plan assuring the safe movement of people and materials into, around and away from the proposed site.

The Zoning Officer shall note on the Temporary Permit or attached to the Permit application, information that demonstrates that the applicant has agreed to or complies with all requirements of this Section. The Zoning Officer shall inspect the site as necessary to ensure that the provisions of the Permit are adhered to.

(2) Mobile Homes. Mobile homes providing temporary quarters for residential use may be permitted in the Township, but must be authorized by the Township Supervisors and may only be permitted for limited periods of time. When so authorized, such units shall be subject to the following standards.

(a) A Temporary Zoning Permit shall be required for the placement of any new mobile home, and when issued, shall indicate the specific period of time for which the authorization is granted. No Temporary Permit for such uses shall be issued for a period of time exceeding one (1) year, except as provided below.

(b) No Temporary Permit shall be required where the mobile home being used on a temporary basis already exists on the site and is to be removed upon completion of new construction. In this case however, the applicant shall be required to execute an "Agreement to Remove Structure and Performance Bond" with the Township prior to receiving a Zoning Permit for the new construction.

(c) The Township Supervisors may grant an extension to renew the Temporary Permit or extend the Agreement for as many as two (2) additional 90 day periods, if in their opinion the applicant encountered unforeseen circumstances in carrying out the operation for which the original Temporary Permit was issued, or if the refusal of an extension would cause an undue hardship to the applicant.

(d) Where applicable, information concerning water supply and sewage disposal facilities to be used shall be presented to the Township by the applicant as part of his Zoning Permit application, along with assurance from the PA Department of Environmental Protection or Township Sewage Enforcement Officer that these arrangements are adequate.

(e) No foundation shall be required for the placement of a mobile home being authorized under this Section.

(f) All such mobile homes shall be removed from the site by the applicant upon expiration of the Permit or according to the provisions or the Agreement, as applicable, at no cost to the Township.

(g) Mobile homes shall not be placed in the Floodway District. Every such unit to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in this Chapter.

(3) Construction Trailers. Trailers providing temporary quarters during commercial, industrial or institutional construction, including highway, bridge or utility supply construction projects, may be permitted by the Township, but shall require the issuance of a Temporary Zoning Permit by the Zoning Officer. There shall be no residential use of construction trailers, either permanently or temporarily.

§442. Temporary Uses in Floodplain Areas. A Temporary Zoning Permit may be issued for a temporary use such as a carnival, circus or open-air cultural or sporting event in any designated floodplain area of the Township. An applicant for such a Temporary Permit shall be subject to the standards of this Chapter. In addition, if there is a threat of flooding or a flood warning is issued by the County Flood Warning System or National Weather Service, all wagons, tents, temporary structures, animals and other materials shall be removed completely from the 100 year floodplain. This shall be done promptly before the threat of flood becomes a reality.

§443. Docks, Piers, and Other Water-Related Uses. Docks, piers and other water related uses may be permitted in or along the rivers, streams, water ways or other bodies of water in the Township except in compliance with all local, state or federal ordinances, laws, statutes or regulations and the following:

(1) Docks and all other water-related uses shall be installed so that they create no rise in the 100 year flood level. When there is a threat of a flood, docks shall be removed from the floodplain.

(2) Docks must be removed from the floodplain by their owner during the off-season.

(3) Docks shall be located no closer than 100 feet to any other dock.

(4) No variance shall be granted to any of the requirements of this Section which would cause a rise in elevation of the 100 year flood or be contrary to the requirements of the National Flood Insurance Program.

§444. Cemeteries. Cemeteries may be permitted only as authorized in the District Regulations, and shall be subject to the following standards. For the purposes of this part, such standards shall be utilized for both public or private burial facilities.

(1) The minimum area required for a cemetery shall be 5,500 square feet. An additional 40 square feet shall be required for each burial plot exceeding the minimum number.

(2) Every burial plot shall have a minimum dimension of 4 feet by 8 feet, and a minimum of four (4) burial plots shall be required for a cemetery.

(3) Cemeteries shall be set back 50 feet from any street right-of-way or waterway, and 25 feet from all side and rear lot lines.

(4) Private cemeteries shall be for the use of immediate family members only.

§445. Non-Commercial Slaughtering and/or Butchering. Non-Commercial slaughtering and/or butchering of livestock and wild life animals shall be permitted in all zoning districts unless specifically prohibited by provisions of the White Deer Township Zoning Ordinance or other applicable ordinances, statutes, or regulations. Such activities shall comply with the following requirements:

(1) Prior to slaughtering or butchering no live animal shall be kept, placed, housed, maintained or sheltered upon or within a lot, tract, parcel or piece of land or in any structure, pen, enclosure, yard or similar facility erected upon said lands for a period of time in excess of 48 hours prior to slaughtering and/or butchering except as may be permitted by other applicable provisions of this Ordinance or other White Deer Township ordinances or regulations.

(2) All live animals shall be kept and maintained in an enclosure that shall be of sufficient construction and stability as to prevent the said animals from escaping therefrom and said animals shall be controlled so as to not cause damage or injury to persons or property.

(3) Any area in which a live or dead animal shall be placed, kept, housed or maintained shall not encroach upon the yard set back regulations for the Zoning District in which the land is located.

(4) No outdoor feed lots shall be permitted except as may be permitted by the other applicable provisions of this Ordinance or other Township ordinances or regulations.

(5) Except as permitted by other applicable provisions of this Ordinance or other Township ordinances or regulations all animal waste (manure) generated by animals held for slaughter shall be removed daily.

(6) Outdoor fires utilized in the butchering process shall be maintained in such a manner as to insure that the same will not cause damage to persons or property. In the event such fire shall cause damage to persons or property the same shall be a violation of this Ordinance. Upon being notified by an agent, employee, or representative of White Deer Township that such a fire is a violation of this Ordinance the person or persons maintaining the said fire or the landowner, if different, shall take immediate steps to eliminate the violation of this Ordinance.

(7) Except as permitted by other applicable provisions of this Ordinance or other ordinances or regulations the butchering of an animal shall be completed within 48 hours of the commencement of the said butchering.

(8) All products from butchering whether eatable or non-eatable including but not limited to meat, hides, skin, heads, entrails, hooves, and bones, shall on a daily basis, be stored in secure containers in such manner as to protect the same from spoilage, domesticated animals and wild animals, vermin, and insects.

(9) Within 8 days of the completion of butchering all waste materials shall be disposed of in such a manner as to not endanger the health and welfare of residents of the Township or interfere with the peaceful enjoyment of their lands. Prior to disposal of the said waste materials shall be stored and kept in accordance with Section 445(8) hereof.

(10) The provisions of this Ordinance shall not apply to the field dressing of wild animals.

(11) Slaughtered animals hung for curing prior to butchering may be kept for up to 8 days provided they are maintained in such a manner as to protect the same from domesticated and wild animals, vermin and insects and shall not create noxious or offensive odors for occupants of adjacent lands or be a public nuisance.

(12) Butchered meat may be kept other than in secure containers up to 8 days for the purpose of curing or smoking the same.

(Ordinance No. 5, adopted July 22, 2003)

§446. Medical Marijuana Grower/Processor and Dispensary Standards.

(1) Medical Grower/Processors and/or Medical Marijuana Dispensaries shall meet the following minimum lot and yard requirements:

(a) Minimum lot area 2 acres

(b) Minimum lot requirements, lot width, maximum impervious, maximum building coverage and height shall be those of the underlying district regulations as amended from time to time.

(c) Minimum setbacks:

(1) Front yard - From edge of right of way 70 feet.

(2) Side yards - 60 feet when abutting lots within the same zoning district; 100 feet when abutting a residential use or a zoning district other than the underlying zoning district.

(3) Rear yards - 60 feet when abutting lots within the same zoning district; 100 feet when abutting a residential use or a zoning district other than the underlying.

(4) Additional buffer, set back requirements - A set back of 1,000 feet from any public or private school, daycare, house of worship, public recreation or public playground

(d) Parking facilities and loading/unloading facilities shall be designed to meet the applicable requirements for setback, screening, lighting and number of spaces as set forth in this Zoning Chapter.

(2) Applicant shall provide proof of compliance with the provisions of the Pennsylvania Medical Marijuana Act 16, as amended from time to time or replaced when applying for a zoning permit. All documents, letters, applications, permits, forms or certificates provided as evidence of compliance shall be certified or bear a seal and signature of an individual certifying their authenticity.

(a) The applicant shall complete an application form provided by the Township and submit a fee, as established by the Township from time to time for the permit to the zoning officer for review of compliance with the applicable Township Ordinances.

(b) In the event the applicant cannot provide evidence of compliance with the provisions of the Pennsylvania Medical Marijuana Act at the time of the submission of an application for a zoning permit due to the procedure of the Commonwealth of Pennsylvania agency or agencies administering the Pennsylvania Medical Marijuana Act, the applicant may provide, at the time of the submission of the application for a zoning permit and the payment of the fee, a signed statement prepared by the Township, acknowledging that the said evidence of compliance has not been provided and that any zoning permit issued shall be conditional upon applicant providing said evidence of compliance within 180 days of the submission of the said application.

Should applicant fail to provide the zoning officer with said evidence of compliance with the said 180 days, any zoning permit issued shall be automatically revoked and the zoning officer shall provide notice of the same to the applicant. No improvements shall be made, nor business conducted until such time as said evidence of compliance has been provided to the zoning officer.

The said application fee shall not be refunded, and applicant shall be responsible for the cost of preparing the said statement.

(c) No building or structure shall be occupied, nor shall any business be conducted without first obtaining an Occupancy Permit.

(3) The applicant may be required to have a Subdivision and/or Land Development Plan approved by the Township in accordance with the Subdivision and Land Development Chapter of White Deer Township, Union County, Pennsylvania. Approval of a Subdivision and/or Land Development Plan shall not constitute approval for the purpose of growing, processing or dispensing Medical Marijuana, said use being contingent upon compliance with the provisions of this section.

(4) In the event the applicant complies with all off the provisions of this section and the Subdivision and Land Development Chapter and a zoning permit is issued, applicant or his/her/its heir, executor, administrator, successor and assigns shall keep and maintain all licenses, permits and authorizations required in full force and effect and, should the applicant or his/her/its heir, executor, administrator, successor and assigns fail to do so, the said zoning permit shall be automatically revoked and the Zoning Officer shall provide notices of the same.

(Ordinance No. 53, adopted August 22, 2017)

(Ordinance No. 99-1, adopted July 20, 1999)

§446. Solar Energy

(1) Glare.

(a) All solar photovoltaic cells shall be treated with an anti-reflecting coating in accordance with the highest industry standards.

(2) Principal Solar Energy System Design and Regulation.

(a) The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as adopted by the Township, with all other applicable fire and life safety requirements and with all applicable statutes, ordinances, rules and regulations. The PSES layout, design and installation shall be subject to review and approval of the Township, the costs of said review and approval to be paid by applicant.

(b) The underground placement of on-site transmission lines and plumbing lines shall be utilized whenever possible consistent with the standard industry practices.

(c) The applicant shall provide the Township with an executed copy of its contract with a public utility company or the Regional Transmission Operator (RTO) to which the PSES will be connected, the same to be subject to review and approval of the Township.

(d) No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

(e) Glare.

(1) All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures, roadways or beyond the boundaries of the land upon which it is located.

(f) No trees or landscaping required by state, federal or Township statutes, laws, ordinances, rules or regulations or as provided in the approval of any plan, application or permit may be removed, except upon approval of the Township and then only for reasons of safety or public welfare.

(g) The PSES owner and/or operator shall maintain a phone number and address of a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number, address and name to the Township, the same to be updated when changed. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints no later than 3 days after the inquiry or complaint was filed.

(h) PSES owners shall maintain all panels, structures and equipment and shall repair or replace any damaged or visibly degraded components in a manner consistent with industry standards. Components shall be replaced in kind, or with equivalent parts or materials, consistent with the original design and manufacturer's specifications and shall be completed within sixty (60) days of the mailing of a notice by the Township of the need to make repairs or replacement. Said notice to be mailed by First Class Mail to the said responsible person provided for herein.

(i) A Contingency Plan of Emergency Procedures shall be developed by the PSES owner consistent with standard operating practices of the industry. The Plan shall be submitted to the fire department servicing the area where the PSES is located for its review and approval. A copy of the Plan along with the written approval of the fire department shall be submitted to the Township with the application. The same shall be reviewed and updated, if necessary, every five (5) years.

(j) Decommissioning.

(1) The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. After the start of commercial operations of the PSES, the PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months or repairs or replacements are not completed as herein provided.

(2) The PSES owner shall then have six (6) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense. The

Township may authorize on six (6) month extension for just cause shown by the PSES owner. Provided however, that the building and road are not required to be removed if the owner can demonstrate, to the satisfaction of the Township, that the same can be repurposed and such repurposing is in compliance with all Township ordinances.

(k) Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (1) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property, except as is otherwise agreed to in writing with any landowner of the said adjoining or other property.

(1) PSES shall comply with the Township subdivision and land development requirements. The installation and operation of PSES shall be in compliance with all applicable statutes, ordinances, permit requirements, codes and regulations.

(3) Ground Mounted Principal Solar Energy Systems. Notwithstanding any other provisions in this Chapter, the following shall apply to Ground Mounted PSES:

(a) Minimum and maximum area lot size for all Zoning Districts:

Minimum - Five (5) acres

Maximum - 50% of the tract of land not otherwise used for structures, driveways, parking lots or other similar uses, not to exceed fifty (50) acres

(b) Minimum yards:

(1) PSES shall comply with the following minimum setback requirements measured from the property line:

Fence: 25 ft.

Panels:

Front: 50 ft.

Side: 50 ft.

Rear: 50 ft.

(2) In all cases, there shall be a minimum distance of one hundred (100') feet between the boundary line of adjacent non-participating lands utilized for residential purposes and any component of the PSES including buildings, panels, fencing, screening and other equipment.

(3) In the case where the PSES development encompasses multiple tracts of land, the setback requirements shall apply to the development and not the individual tracts of land. The

setbacks shall apply to the perimeter of the entire development.

(c) Height: Ground mounted PSES shall not exceed ten (10') feet in height as measured vertically from the top of the component and the ground below the component.

(d) Impervious Coverage.

(1) The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system shall be considered impervious and subject to the impervious surfaces limitations provided for in the applicable zoning district, statutes, ordinances, rules and regulations and if the PSES impervious surface exceed the permitted impervious area, the developer shall comply with the said statutes, ordinances, rules and regulations.

(2) The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the proposed project:

(a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

(b) All mechanical equipment of PSES including any structure for batteries or storage cells. **FOR ZONING PURPOSES ONLY**, the solar modules themselves, however, are not included as impervious cover.

(c) Gravel or paved access roads servicing the PSES.

(e) PSES owners are required to follow the current **PA DEP Guidelines for Solar Collectors** as a best management practice for storm water management.

(f) Screening. Screening shall be installed on the exterior of the fencing required herein, subject to the following provisions:

(1) Screening shall consist of evergreen trees or shrubs;

(2) Screening shall be installed on the exterior of said fencing in the following:

(a) When the fence faces adjacent land utilized for residential purposes and the land is located within 100 feet of the fence.

(b) When the fence faces an adjacent road or street that meets the definition of a collector road or street as defined by the PA Department of Transportation.

(c) When the fence faces adjacent lands in the V and RR Zoning District.

(3) The trees or shrubs shall be a minimum of eight feet (8') in height and of sufficient size and placed in such location as to visibly obscure the fence within 3 years of

planting. The said trees or shrubs shall be replaced as needed to comply with this provision.

(4) A screening plan shall be submitted with the application for a land development plan.

(g) In Agricultural Zoning Districts, no more than 20 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils as defined by the then current version of the NRCS Custom Soil Resource Report.

(h) Ground mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed or natural storm water conveyance system.

(i) Security.

(1) All ground mounted PSES shall be completely enclosed by an eight foot (8') high fence and all gates shall have locks.

(2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on each side of the area utilized for PSES outside the required screening. The said sign shall be 2' x 2' in size, informing individuals of potential voltage hazards.

(j) Access.

(1) An access road, in compliance with the Township regulation on driveways, must be provided from a state or township roadway into the site.

(2) Service roads within the area of the PSES, at a minimum 16' width, shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles to all areas within the PSES.

(k) The ground mounted PSES shall not be artificially lighted except in compliance with all applicable federal, state and Township statutes, ordinances, rules and regulations, the primary purpose of said lighting being for safety purposes.

(l) If a ground mounted PSES is removed, the same shall be in accordance with all applicable local, state and federal laws, ordinances, statutes, rules and regulations.

(4) Roof and Wall Mounted Principal Solar Energy System.

(a) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and the building code of the Township and that the roof or wall supporting the system is capable of holding the load imposed on the structure.

(b) PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

(5) The landowner and developer shall execute an agreement with the Township authorizing the Township, its employees, agents and contractors to enter upon the real estate for the purpose of making inspections, repairs, replacements, dismantling and/or removal as provided herein, the same to include a release of liability for any damages caused by the Township, its employees, agents or contractors and an indemnification of the Township, its employees, agents or contractors. The said agreement shall be prepared by the Township at the landowner's and developer's expense and shall be submitted with the application for a permit signed by said owner and developer.

(6) The applicant for a Zoning Permit for a PSES shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to decommission the PSES. The estimated cost shall be prepared by an engineer and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the PSES is decommissioned and the land restored to its original condition.

The financial security may be utilized by the Township to pay the costs of repair, replacement, dismantling, removal and/or restoration of the PSES or the land as provided herein.

Every five (5) years, a new estimate of the said costs, prepared by an engineer, shall be submitted to the Township in writing by the owner of the PSES. The said estimate shall be subject to the approval of the Township. The said financial security shall be adjusted to equal one hundred ten (110%) percent of the said estimated costs.

In the event the Township utilizes the said financial security as herein provided, the owner of the PSES shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

Should the financial security not be sufficient to pay the costs and the fee, the owner of the PSES and/or the land shall be liable for the costs and fees not paid from the financial security, the same may be collected as permitted by law, including the filing of a Municipal Claim.

The agreement referred to herein shall be prepared by the Township.

All costs, expenses and fees incurred by the Township in reviewing the estimates or enforcing the said agreement shall be paid by the owner of the PSES and/or the land within ten (10) days of receiving a bill for the same.

§448. Small Cell Wireless Facility.

(1) Use of Right-of-Way for Small Wireless Facilities and Utility Poles with Small Wireless Facilities Attached.

(a) Applicability. The provisions of this section shall only apply to activities of a wireless provider within the right-of-way to deploy small wireless facilities and associated new utility poles with small wireless facilities attached.

(b) Exclusive Use Prohibited. The Township shall not enter into an exclusive arrangement with any person for use of the right-of-way for:

- (1) collocation; or
- (2) the installation, operation, modification or replacement of utility poles with small wireless facilities attached.

(c) Right-of-Way Rates and Fees. Subject to the fee adjustment requirements under subsection (4)(c), the Township shall have the right to charge an annual fee for the use of the right-of-way. An annual right-of-way fee shall not exceed \$270.00 per small wireless facility or \$270.00 per new utility pole with a small wireless facility unless the Township demonstrates all of the following:

- (1) The annual right-of-way fee is a reasonable approximation of the Township's costs to manage the right-of-way.
- (2) The Township's costs under subsection (1) are reasonable.
- (3) The annual right-of-way fee is nondiscriminatory.

(d) Right of Access.

(1) Under the provisions of this section, in accordance with applicable codes, and with the permission of the owner of the structure, a wireless provider shall have the right to perform the following within the right-of-way:

- (a) Collocate.
- (b) Replace an existing utility pole or install a new utility pole with attached small wireless facilities.
- (2) All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.

(e) Size Limits.

(1) Each new or modified small wireless facility installed in the right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:

(a) The installation of a small wireless facility on an existing utility pole shall not extend more than five feet above the existing utility pole.

(b) If collocation on an existing utility pole cannot be achieved under Chapter 13, Part 2, Section 202(9), a small wireless facility may be installed on a

new or replacement utility pole. The maximum permitted height of the facility, which shall include the utility pole and small wireless facility, shall not be taller than 50 feet above ground level.

(2) Subject to the provisions of this section, a wireless provider may collocate or install a new utility pole with small wireless facilities attached that exceeds these height limits by including a height limit waiver request or variances in the application. Height limit waivers or variances shall be processed subject to applicable codes.

(f) Underground District. A wireless provider shall comply with reasonable and nondiscriminatory requirements that prohibit communications service providers from placing or installing structures in the right-of-way in an area designated solely for underground or buried cable facilities and utility facilities if the Township:

(1) Requires all cable facilities and utility facilities, other than municipal poles and attachments, to be placed underground by a date certain that is three months prior to the submission of the application.

(2) Does not prohibit the replacement of municipal poles in the designated area.

(3) Permits wireless providers to seek a waiver of the underground requirements for the installation of a new utility pole to support small wireless facilities. Upon the submission of a request for a waiver by a wireless provider, the Township may require a public hearing and, with the approval of the property owner, permit a waiver request. Waivers shall be addressed in a nondiscriminatory manner and in accordance with applicable codes.

(g) Historic District or Building. Except for facilities excluded from evaluation for effects on historic properties under 47 CFR §1.1307(a)(4) (relating to actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared), the Township may require reasonable, technically feasible, nondiscriminatory and technologically neutral design or concealment measures in a historic district or on historic buildings. Any design or concealment measures may not have the effect of prohibiting any provider's technology or be considered a part of the small wireless facility for purposes of the size restrictions of small wireless facilities.

(h) Design Guidelines. The Township may develop objective design guidelines for a small wireless facility regarding the minimization of aesthetic impact in accordance with the following:

(1) The design guidelines shall be technically feasible.

(2) The design guidelines may not have the effect of prohibiting the wireless provider's technology.

(3) The design guidelines may not unreasonably discriminate among wireless providers of functionally equivalent services.

(i) Damage and Repair. A wireless provider shall repair all damage to the right-of-way or any other land so disturbed, directly caused by the activities of the wireless provider or the wireless provider's contractors and return the right-of-way in as good of

condition as it existed prior to any work being done in the right-of-way by the wireless provider. If the wireless provider fails to make the repairs required by the Township within 30 days after written notice, the Township may perform those repairs and charge the wireless provider the reasonable, documented cost of the repairs plus a penalty not to exceed \$500.00. The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty. The Township may not suspend the ability of an applicant to receive a new permit that has deposited the amount assessed for the repair costs and the assessed penalty in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

(j) Communications Services. The approval of the installation, placement, maintenance or operation of a small wireless facility under this section shall not authorize the provision of any communications services without compliance with all applicable laws or the installation, placement, maintenance or operation of any communications facilities other than wireless facilities and associated utility poles in the right-of-way.

(2) Access to Municipal Poles within Right-of-Way.

(a) Applicability. The provisions of this section shall apply to activities of the wireless provider within a right-of-way.

(b) Exclusive Use Prohibited. The Township may not enter into an exclusive arrangement with any person for the right to collocate on municipal poles.

(c) Collocation. The Township shall allow collocation on municipal poles using the process required under this Part, Chapter 13, Part 2 of the Code of Ordinances of White Deer Township and applicable codes unless the small wireless facility would cause structural or safety deficiencies to the municipal pole, in which case the Township and applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the small wireless facility. All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way.

(d) Rates. Subject to the fee adjustment requirements under subsection (4)(c), the Township shall not charge a wireless provider a fee to collocate on municipal poles.

(e) Implementation and Make-Ready Work.

(1) The rates, fees and terms and conditions for the make-ready work to collocate on a municipal pole must be nondiscriminatory, competitively neutral and commercially reasonable and must comply with this Section 448 and Chapter 13, Part 2 of the Code of Ordinances of White Deer Township.

(2) The Township shall provide a good faith estimate for any make-ready work necessary to enable the municipal pole to support the requested collocation by a wireless provider, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including pole replacement, shall be completed within 60 days of written

acceptance of the good faith estimate by the applicant. The Township may require replacement of the municipal pole only if the Township demonstrates that the collocation would make the municipal pole structurally unsound.

(3) The Township shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work on a nonreplacement municipal pole shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including replacement, shall not exceed actual costs or the amount charged to other similarly situated communications service providers for similar work and shall not include any consultant fees or expenses that are charged on a contingency basis.

(f) Future Use. The Township may reserve space on an existing municipal pole for future public safety or transportation uses in a documented and approved plan as adopted at the time an application is filed. A reservation of space shall not preclude collocation, the replacement of an existing utility pole or the installation of a new utility pole. If the replacement of a municipal pole is necessary to accommodate collocation and the reserved future use, the wireless provider shall pay for the replacement municipal pole and the municipal pole shall accommodate the future use.

(3) Local Authority. Subject to the provisions of this Section and applicable Federal and State laws and regulations, nothing in this Section shall be construed to:

(a) Limit or preempt the scope of the Township's zoning, land use, planning, streets and sidewalks, rights-of-way and permitting authority as it relates to small wireless facilities.

(b) Grant the authority to the Township to exercise zoning jurisdiction over the design, engineering, construction, installation or operation of a small wireless facility located in an interior structure or on the site of a campus, stadium or athletic facility not owned or controlled by the Township. Nothing in this Section authorizes the Commonwealth or the Township to require small wireless facility deployment or to regulate wireless services.

(4) Implementation.

(a) Ordinances. The Township may adopt ordinances that comply with this Section 448 and shall amend existing ordinances as necessary to comply with this Section 448. If the Township does not adopt an ordinance that complies with this Section 448 within 60 days of the effective date of this section, applications seeking permits to collocate, modify or replace existing utility poles or install new utility poles shall be processed in compliance with the Small Wireless Facilities Deployment Act. The Township shall not require a wireless provider to enter into an agreement to implement this Section 448. Nothing in this subsection shall be construed to prohibit an agreement between the Township and a wireless provider to implement this Section 448 if nondiscriminatory and entered into voluntarily.

(b) Agreements. All agreements between the Township and wireless service providers that are in effect on the effective date

of this Section 448 shall remain in effect, subject to any termination provisions in the agreements. When an application is submitted after the effective date of this Section 448, a wireless provider may elect to have the rates, fees, terms and conditions established under Chapter 13, Part 2 of the Code of Ordinances of White Deer Township apply to the small wireless facility or utility pole installed after the effective date of this Section 448.

(c) Rate or Fee Adjustments.

(1) If the FCC adjusts its levels for fees for small wireless facilities, the Township may adjust any impacted rate or fee under Section 448(1)(c), Chapter 13, Part 2, Section 202(14) or Section 448(2)(d), on a pro rata basis, and consistent with the FCC's adjustment.

(2) If, in a final adjudication not subject to further appeal or to review by the United State Supreme Court, a Federal court reviewing Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, et al., Declaratory Ruling and Third Report and Order, WT Docket No. 17-79 and WC Docket No. 17-84, FCC 18-133 (released September 27, 2018), reverses or repeals the rates outlined in that FCC order, then the monetary caps under Section 448(1)(c), Chapter 13, Part 2, Section 202(14) or Section 448(2)(d) may increase 3% annually beginning January 1, 2021, at the discretion of the Township.

(5) Indemnification. Except for a wireless provider with an existing agreement to occupy and operate in a right-of-way, a wireless provider shall fully indemnify and hold the Township and its officers, employees and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses or fees or any other damages caused by the act, error or omission of the wireless provider or its officers, agents, employees, directors, contractors or subcontractors while installing, repairing or maintaining small wireless facilities or utility poles within the right-of-way. A wireless provider shall not be required to indemnify for an act of negligence or willful misconduct by the Township, its elected and appointed officials, employees and agents.

(6) General Requirements for Uses of Rights-of-Way. The following apply:

(a) Structures and facilities deployed by a wireless provider under this Section 448 shall be constructed, maintained and located in a manner as to not obstruct, endanger or hinder the usual travel or public safety on a right-of-way, damage or interfere with other utility facilities located within a right-of-way or interfere with the other utility's use of the utility's facilities located or to be located within the right-of-way.

(b) The construction and maintenance of structures and facilities by the wireless provider shall comply with the 2017 National Electrical Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.

(c) An applicant or the applicant's affiliate shall ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair or maintenance work on a small

wireless facility deployed under this Section 448 meets and attests to all of the following requirements:

(1) Maintain all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that is necessary to do business or perform applicable work.

(2) Maintain compliance with the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L. 2897, No. 1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.

(3) Has not defaulted on a project, declared bankruptcy, been debarred or suspended on a project by the Federal Government, the Commonwealth or a local government entity within the previous three years.

(4) Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.

(5) Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for any hazards that may be encountered during their work on the small wireless facility.

(7) Construction.

(a) Obligations. Nothing in this Section 448 shall be construed to impact, modify or supersede any construction standard, engineering practice, tariff provision, collective bargaining agreement, contractual obligation or right, Federal or State law or regulation relating to facilities or equipment owned or controlled by an electric distribution company or its affiliate, a telecommunications carrier, an electric cooperative or an independent transmission company that is not a wireless provider.

(b) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

ELECTRIC DISTRIBUTION COMPANY - The public utility providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners/operators that manage the internal distribution system serving such building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

FACILITIES - All the plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with, the business of any public utility. Property owned by the Commonwealth or any municipal corporation prior to June 1, 1937, shall not be subject to the Pennsylvania Public Utility Commission or to any of the terms of this

Section 448, except as elsewhere expressly provided in this
Section 448.

TELECOMMUNICATIONS CARRIER - An entity that provides
telecommunications services subject to the jurisdiction of the
Pennsylvania Public Utility Commission.

(Ordinance No. 68, adopted December 28, 2021)