

**Appendix F**

**Amending Ordinances**

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2004-08**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 2003-06 OF  
PENN TOWNSHIP, BY AMENDING, DELETING, ADDING, AND  
SUBSTITUTING SECTIONS OF THE ORDINANCE AND AMENDING THE  
ZONING MAP**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Perm Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

**A. Zoning Map Amendment**

1. The Zoning Map is hereby amended by changing the zoning classification of a single property located parallel to SR 11/15 (State Road), Tax Parcel No. 210,134.02-001.001, from Low Density Residential (R-1)/Commercial (C), to Commercial (C).
2. The Zoning Map is hereby amended by changing the zoning classification of a single property located at 1629 State Road (SR 11/15), Tax Parcel No. 210,134.02-007.000, from Low Density Residential (R-1), to Commercial (C).
3. The Zoning map is hereby amended by changing the zoning classification of an area located along 274 and Valley Street, Tax Parcel Nos. 210,118.04-156.000, 210,118.04-155.OLT, and 210,118.04-155.001 from Commercial to Low Density Residential (R-1).

**Section 2 Severability Clause**

If any section, paragraph, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

**Section 3 Effective Date**

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.

Section 4    Enactment

ENACTED, ORDAINED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

*PENN TOWNSHIP BOARD OF SUPERVISORS*

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*Robert E. Shaffer*

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*Charles H. Stoner*

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*Henry A. Holman*

**CERTIFICATE OF ADOPTION**

I hereby certify the following to be an exact copy of Ordinance No. 2004- 08 adopted by the Supervisors of the Township of Petal, Perry County, Pennsylvania at a duly advertised meeting of the Board on

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Helen Klinepeter, Secretary

**Adopted August 16, 2004**

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2005-03**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING, ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE AND AMENDING THE ZONING MAP**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

**Section 1** Amendments, deletions, additions and substitutions to the following sections of the Zoning Ordinance and Use Schedule.

A. Article IV, Section 402.1 shall be revised as follows:

1. Single family detached dwelling units as regulated in Article XII, Steep Slope Conservation Overlay District.

B. Article V, Section 505 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
<b>On-Lot Sewage Disposal System</b>	1.5 Acres*	150'	20	25'	15'	30'	25'	***
<b>Public Sewer</b>	1 Acre	150'	20	25'	15'	30'	25'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems

\*\*Minimum requirement unless specified elsewhere herein

\*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.

SF- square feet; FT - feet

C. Article VI, Section 605 – Lot area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
<b>On-Lot Sewage Disposal System</b>	1.5 Acres*	150'	20	25'	15'	30'	25'	***
<b>Public Sewer</b>	20,000 SF	100'	25	25'	15'	30'	25'	***
<b>Public Water and Public Sewer</b>	15,000 SF	100'	30	25'	10'	20'	25'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
 \*\*Minimum requirement unless specified elsewhere herein  
 \*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
 SF- square feet; FT - feet

D. Article VII, Section 705 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
<b>On-Lot Sewage Disposal System</b>	1.5 Acres*	150'	20	25'	15'	30'	25'	***
<b>Public Sewer</b>	20,000 SF	100'	25	25'	15'	30'	25'	***
<b>Public Water and Public Sewer</b>	10,000 SF	80'	30	25'	10'	20'	25'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
 \*\*Minimum requirement unless specified elsewhere herein  
 \*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
 SF- square feet; FT - feet

E. Article VIII, Section 805 – Conditional Uses

1. Existing Item 27 is **RENUMBERED** to Item 28.
2. New Item 27 is **ADDED** as follows
  27. Single Family Detached Dwellings.

F. Article VIII, Section 806 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres*	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	***

\* Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
 \*\*Minimum requirement unless specified elsewhere herein  
 \*\*\*Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
 \*\*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 SF- square feet; FT - feet

G. Article IX, Section 907 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres <sup>*</sup>	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	70	25' ****	10'	20'	30'	***

<sup>\*</sup> Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
<sup>\*\*</sup> Minimum requirement unless specified elsewhere herein  
<sup>\*\*\*</sup> Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
<sup>\*\*\*\*</sup> Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
SF- square feet; FT - feet

H. Article X, Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements shall be amended as follows:

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements**			Minimum Building Setback (FT)**				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewage Disposal System	1.5 Acres <sup>*</sup>	150'	60	50' ****	25'	50'	25'	***
Public Sewer	1 Acre	150'	60	50' ****	25'	50'	25'	***
Public Water and Public Sewer	25,000 SF	100'	75	50' ****	25'	50'	25'	***

<sup>\*</sup> Lot Size Subject to PaDEP approval for on-lot sewage disposal systems  
<sup>\*\*</sup> Minimum requirement unless specified elsewhere herein  
<sup>\*\*\*</sup> Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
<sup>\*\*\*\*</sup> Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
SF- square feet; FT - feet

I. Article XII, Section 1203 – Permitted Uses in the Steep Slope Conservation District

1. Paragraph 1203.2.c shall be revised as follows:

- c. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 %, is feasible in all zoning districts except the FC – Forest/Conservation.

2. Paragraph 1203.3.c shall be revised as follows:
  - c. Single-family detached dwellings in all zoning districts except the FC – Forest/Conservation.
  
- J. Article XIV, Section 1401.1.b shall be revised as follows:
  - b. Open parking spaces and/or parking lots shall not be located closer than five (5) feet from any side or rear property line, unless otherwise provided for elsewhere in this ordinance.
  
- K. Article XVI, Section 1611.2.a shall be revised as follows:
  - a. The minimum lot size shall be one and one half (1.5) acres for structures with on-lot sewage disposal systems. For structures with public sewer, minimum lot size shall be one (1) acre.
  
- L. Article XVI, Section 1630.1 shall be revised as follows:
  1. Minimum lot size shall be one and one half (1.5) acres with a minimum width of one hundred fifty (150) feet for facilities with on-lot sewage disposal. For facilities with public sewer, minimum lot size shall be one (1) acre with a minimum width of one hundred fifty (150) feet.
  
- M. Article XVI, Section 1641.4.c shall be revised as follows:
  - c. The following lot and yard area regulations shall apply to any principal residential structure or any other building. The minimum lot size for proposed lots that will be utilizing individual or community on-lot sewage disposal systems shall be one and one half (1.5) acres. Proposed lots that will be utilizing public sewer facilities are not subject to minimum lot size.
  
- N. Article XVIII, Section 1809.03 – Conduct of Hearing
  1. The first sentence is **REVISED** as follows:

The hearing shall be held within 60 days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time.
  
- O. Appendix C, The attached Use Schedule is revised as follows:



Section 2

Amendments, deletions, additions and substitutions to the zoning map.

A. An area approximately 3000' in length and consisting of 25 parcels along Barnett Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1.	210,149.00-014.000	14.	210,132.00-011.002
2.	210,149.00-005.000	15.	210,132.00-011.001
3.	210,132.00-007.000	16.	210,132.00-011.003
4.	210,132.00-008.000	17.	210,132.00-013.000
5.	210,132.00-006.000	18.	210,132.00-014.000
6.	210,149.00-016.000	19.	210,132.00-012.000
7.	210,149.00-015.000	20.	210,132.00-011.000
8.	210,149.00-018.000	21.	210,132.00-009.000
9.	210,149.00-017.000	22.	210,149.00-009.000
10.	210,132.00-002.000	23.	210,149.00-013.000
11.	210,132.00-005.000	24.	210,149.00-012.000
12.	210,132.00-003.000	25.	210,149.00-006.000
13.	210,132.00-004.000		

B. An area approximately 2500' in length and consisting of 9 parcels along Allander Drive as shown on the Penn Township Zoning Map, as amended, and further defined by the following Tax Numbers shall be changed from R-1 – Low Density Residential to AR – Agriculture / Rural.

1.	210,133.00-014.000	6.	210,133.05-013.000
2.	210,133.06-002.000	7.	210,150.00-012.000
3.	210,133.06-003.000	8.	210,150.00-013.000
4.	210,133.06-004.000	9.	210,150.00-013.001
5.	210,133.05-012.000		

- C. An area approximately 500' by 700' by 1000' by 150' of the parcel located at 6 Kamp Street as shown on the Penn Township Zoning Map, as amended, and further defined by the Tax Number 210,117.0-001.000 shall be changed from R-1 – Low Density Residential to C – Commercial.

**Section 3** Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

**Section 4** Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as provided by law.

**Section 5** Enactment

**ENACTED, ORDAINED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

*PENN TOWNSHIP BOARD OF SUPERVISORS*

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*Henry A. Holman, II, Chairman*

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*Charles H. Stoner, Vice Chairman*

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*Robert E. Shaffer, S., Supervisor*

**CERTIFICATE OF ADOPTION**

I hereby certify the following to be an exact copy of Ordinance No. 2005-\_\_\_\_\_ adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania at a duly advertised meeting of the Board on \_\_\_\_\_.

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Helen Klinepeter, Secretary

**Adopted December 28, 2005**

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2007-01**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN  
TOWNSHIP, ORDINANCE NO. 2003-06, BY AMENDING, DELETING,  
ADDING, AND SUBSTITUTING SECTIONS OF THE ORDINANCE IN  
REGARDS TO OPEN SPACE REQUIREMENTS**

**BE IT ENACTED AND ORDAINED BY** the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 of 2003 is amended to provide as follows:

**Section 1**      Article II

**Required Open Space** - The portion of an open space development in accordance with Section 1641 of this Ordinance and determined by calculation of a certain percentage of the parent tract that shall be set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument set forth in Section 1641 of this Ordinance.

**Section 2**      Article XVI - Section 1641 shall be revised as follows:

**Section 1641 – Open Space Development**

1.      **Purpose**

It is the intent of this Section to implement the Penn Township Comprehensive Plan and promote desirable community development by:

- a.      Maintaining a healthy residential environment with adequate open space and recreational amenities;
- b.      Encouraging land use and development patterns which complement and accentuate the distinctive features of the Township's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, scenic views and other natural and manmade features important to the Township's rural nature;
- c.      Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
- d.      Providing for a more varied, innovative, and efficient development pattern; and
- e.      Accommodating new development that is compatible with existing uses, architecture, landscapes and community character.

2. Applicability

a. Zoning Districts Permitted

Open space developments shall be permitted only by conditional use in the FC, AR and R1 Zoning Districts. The applicant shall comply with all design standards, requirements and criteria of this Section, as well as all other applicable provisions of the Zoning Ordinance.

b. Ownership

The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

c. Site Suitability As evidenced by the Existing Resources and Site Analysis Plan, Yield Plan and Open Space Development Concept Plan, the tract incorporating this Open Space Development design option shall be suitable for supporting the development in terms of environmental conditions, its size, configuration and appropriate methods of water supply and sewage disposal.

d. Sensitive Area Disturbance

The proposed open space development design shall minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Plan. Lands within the one hundred (100) year floodplain, wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Plan and the Final Plan.

e. Water Supply and Sewage Disposal

Open space developments shall be served by water supply and sewage disposal systems in accordance with the provisions of the Penn Township Subdivision and Land Development Ordinance, Penn Township Sewage Facilities (Act 537) Plan and any state or federal regulations. The applicant shall provide an adequate water supply and adequate method for sewage disposal for the intended residential and open space uses within open space developments. The Board of Supervisors shall also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water supply and sewage disposal systems as part of the subdivision and land development approval.

f. Plan Processing

Prior to submitting a Conditional Use application for an open space development, the applicant is strongly encouraged to submit the Existing Resources and Site Analysis and the Yield Plan in to the Penn Township Planning Commission to discuss community development objectives and open space resource conservation objectives.

As part of the review and consideration for action on the Conditional Use application, the applicant shall develop and submit the following data and information:

(1) Yield Plan

(a) Maximum Number of Dwelling Units Permitted Calculation

1. To determine the maximum number of dwelling units permitted for open space developments, the applicant shall prepare a conceptual Yield Plan depicting a realistic conventional development of the parent tract according to not only the required dimensional and design standards of the applicable base zoning district, but also street and right-of-way standards and other design requirements of the Penn Township Subdivision and Land Development Ordinance.

a. The Yield Plan must be prepared in compliance with the ordinance including the location and siting of proposed building lots for dwelling units specifically meeting the minimum required lot area and minimum lot width requirements of the applicable base zoning district, as well as the streets, right-of-way, and other pertinent features, in accordance with the minimum requirements for Sketch Plans as stated in Article 3 of the Penn Township Subdivision and Land Development Ordinance, and any other applicable Township ordinances. These minimum required building lot area dimensions shall be exclusive of all wetlands, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and land under high-tension electrical transmission lines (69kV or greater). No more than twenty-five (25) percent of an individual building lot's minimum required

building lot area may consist of land within the one hundred (100) year floodplain, and only then if it is free of wetlands.

- b. Although it must be drawn to scale, the Yield Plan need not be based on a field survey. However, the yield plan must be in compliance with the ordinance reflecting a conventional development pattern that could reasonably be expected to be developed, taking into account the presence of wetlands, floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal. The maximum number of dwelling units for any proposed open space development shall not exceed the final maximum number of dwelling units in the approved Yield Plan.
2. On those sites not served by central/public sewage disposal, the number of lots shall be determined by the calculation hereinafter setforth; evaluating the number of dwelling units that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on the presence of important natural features and resources proposed to be preserved as part of the minimum required open space, identified as part of the existing recourses and Site Analysis Plan the Township shall select a ten (10) percent sample or at least two (2) of the lots, whichever is greater, considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual onlot sewage disposal system in the form of probe and perc test complying with all applicable Pennsylvania Department of Environmental Protection (DEP) and Township requirements. If all lots identified for the sample meet such individual on-lot sewage disposal system standards, then the applicant shall be granted the full number of lots determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual on-lot sewage disposal systems, those lots shall be deducted from the final Yield Plan total, and a second ten (10) percent sample or at least two (2) of the lots, whichever is greater shall be selected by the Township and

tested for compliance. In determining the number of lots required to be tested in the second and subsequent ten (10) percent samples, only ten (10) percent of the total number of lots which have not been previously tested shall be used. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system. For purposes of determining the number of lots to be tested, any fractional remainder shall be rounded up to the next highest whole number. See example below:

#### EXAMPLE

Determining the maximum number of dwelling units permitted for open space developments using individual on-lot sewage disposal systems in accordance with the requirements listed in Subsection 1641.2.f.(1)(a) above.

- a. Initial Yield Plan Total:

100 Lots.

- b. Calculate First 10% Required Sample of 100 Lots to be tested (probed and perked):

100 Lots x 10% Required Sample = 10 Lots to be tested.

- c. Determine Results of First 10% Required Test Sample 10% Sample:

Of the 10 Lots = (4 pass, 6 fail).

- d. Calculate Second 10% Required Sample of the remaining number of lots to be tested:

100 Lots – 10 Lots = 90 Lots x 10% Required Sample = 9 Lots to be tested.

- e. Determine Results of Second 10% Required Test Sample:

Of the 9 lots = (5 pass, 4 fail).

- f. Calculate Third 10% Required Sample of the remaining number of lots to be tested:

90 Lots – 9 Lots = 81 Lots x 10% Required Sample = 9



Lots to be tested.

- g. Determine Results of Third 10% Required Test Sample:

Of the 9 Lots (7 pass, 2 fail).

- h. Calculate Fourth 10% Required Sample of the remaining number of lots to be tested:

81 Lots – 9 Lots = 72 Lots x 10% Required Sample = 8 Lots to be tested.

- i. Determine Results of Fourth 10% Required Test Sample:

Of the 8 Lots (8 pass).

- j. Final Yield Plan Total:

100 Lots from Initial Yield Plan total – 12 failed tests = 88 Lots.

- 3. The Planning Commission shall also review the Yield Plan and provide comments to the Board of Supervisors regarding compliance with this Section. Applicants are strongly encouraged to present the Yield Plan to the Planning Commission as early as possible to obtain input regarding the calculation of the maximum number of dwelling units permitted in the open space development.

(2) Existing Resources and Site Analysis Plan

- (a) For all open space development applications an Existing Resources and Site Analysis Plan shall be prepared to provide the developer and Penn Township officials with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.
- (b) The following information shall be included in this Plan:
  - 1. A vertical aerial photograph, taken within the last five (5) years and updated to show current features and conditions,

enlarged to a scale not less detailed than 1 inch = four hundred (400) feet, with the site boundaries clearly marked.

2. Topography, the contour lines of which shall generally be at two (2) foot intervals, determined by photogrammetry (although ten [10] foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Board of Supervisors, which may specify greater or lesser intervals on exceptionally steep or flat sites. Steep slopes between sixteen and twenty-five (16 – 25) percent and prohibitive steep slopes those being twenty-five (25) percent shall be clearly indicated. Topography for Open Space Developments shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
3. The location and delineation of surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well as the one hundred (100) year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
4. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
5. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of Cumberland and Perry Counties, Pennsylvania, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for individual on-lot sewage disposal suitability).
6. Ridge lines and watershed boundaries shall be identified.

7. A view shed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.

8. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

9. All existing manmade features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, disposal areas, utilities, fire hydrants, and storm and sanitary sewers.

10. Locations of all historical sites or cellar holes, stone walls, earthworks, public and private cemeteries or burial areas.

11. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

12. All easements and other encumbrances of property which are or have been filed and recorded with the Recorder of Deeds of Perry County shall be shown on the plan.

13. Total acreage of the tract, the maximum number of permitted dwelling units identified in the Yield Plan and the acreage open space land area with detailed supporting calculations for both acreages.

14. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory, as well as those important natural features identified in the Penn Township Comprehensive Plan and/or Perry County Comprehensive Plan.

15. Other significant features that may affect land use and development of the property.

(3) Open Space Development Concept Plan

(a) Permitted Uses

The following uses are permitted within an open space development:

- 1. Within the FC and AR Districts:

- a. Single family detached dwelling units.
- b. Seasonal dwellings.
- c. Home occupations.
- d. Day care homes.
- e. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- f. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

2. Within the R1 District:

- a. Single family detached dwelling units.
- b. Home occupations.
- c. Day care homes.
- d. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- e. Open space uses as set forth in Subsection 1641.2.f.(3)(e)1.d.

(b) Minimum Required Open Space

The minimum required open space shall not be less than the following percentage of the net acreage of the parent tract, as stipulated for the appropriate zoning district. For purposes of determining net acreage of the parent tract, the net acreage shall be exclusive of all land traversed or within existing right-of-way, easements and land under high-tension electrical transmission lines (69kV or greater). Required open space shall comply with all standards and criteria for required open space established in this Section.

<u>Zoning District</u>	<u>Minimum Required Open Space</u>
<u>FC</u>	<u>60%</u>
<u>AR</u>	<u>45%</u>
<u>R-1</u>	<u>35%</u>

(c) Residential and Building Area Design Standards

When designing the open space development, the following lot and yard area regulations shall apply to all principal dwellings or other principal buildings or structures proposed as part of the open space development. Proposed building lots are not subject to a minimum lot area. The applicant shall indicate for each permitted use, including potential accessory uses and structures, the limits of the building envelope within which compliance with these provisions is feasible:

1. The minimum required lot frontage abutting a street right-of-way shall be twenty (20) feet.
2. The minimum required lot width measured at the front building line, shall be no less than eighty (80) feet.
3. The minimum separation distance between principal buildings shall be thirty (30) feet, except that the minimum separation measured perpendicularly from the rear wall of any principal dwelling to any point on any other principal building not accessory to such residential structure, shall be fifty (50) feet.
4. The builder or developer shall consider variations in the principal building position and orientation, but shall observe the following minimum yard regulations:
  - a. Front: Twenty (20) feet;
  - b. Rear: Forty (40) feet; and
  - c. Side: Five (5) feet.
5. Accessory structures and buildings shall be setback at least five (5) feet from any property line and shall be permitted only in rear yards.
6. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.
7. The maximum building lot coverage (including all impervious surfaces) for all building lots shall be twenty (20) percent greater than the base zoning district according to the proposed use. The maximum lot coverage for all required open space parcels shall be ten (10) percent,

of which buildings and structures shall not occupy more than two (2) percent of total lot coverage area.

8. While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to comply with all the provisions of this section; regarding the appropriate size and shape relative to the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
9. Panhandle lots subject to provisions of Subsections 1649.2, 1649.3 and 1649.5 of this Ordinance may be utilized where appropriate. When two (2) or more panhandle lots are abutting one another, a joint use driveway must be utilized and subject to the following:
  - a. Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint use driveways; such easement agreements shall be subject to review and approval by the Township. This agreement shall be recorded with the office of the Perry County Recorder of Deeds on the same date as the recording of the Final Plan, and depicted on the recorded subdivision plan.
10. No new dwelling units within the open space development shall have direct driveway access to surrounding existing Township or State roads. All driveways shall access internal street systems as designed for the project.
11. On street parking within the open space development may be permitted provided that such streets and parking spaces are designed in accordance with the Penn Township Subdivision and Land Development Ordinance and applicable standards of Article XIV of this Ordinance.
12. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
13. The placement of buildings and design of internal circulation systems shall minimize the number of intersections on Township and State roads.
14. The applicant shall comply with applicable state and/or

federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit application or mitigation plan to the Pennsylvania Department of Environmental Protection (DEP) and/or US Army Corps of Engineers or successor agencies, a copy of all such documentation shall be submitted to Penn Township by the applicant.

15. At least three quarters (3/4) of the lots shall directly abut or face required open space land across a street.
16. All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the following:
  - a. All external road ultimate right-of-way: One Hundred (100) feet.
  - b. All other tract boundaries: Fifty (50) feet.
  - c. Cropland or pasture land: One hundred (100) feet.
  - d. Buildings or barnyards housing livestock: Three hundred (300) feet.
  - e. Active recreation areas such as courts or playing fields (not including tot lots): One Hundred Fifty (150) feet.
17. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from these requirements except that additions to such existing structures shall not further reduce required setbacks in Subsection 1641.2.f.(3)(c).
18. New residential lots shall not encroach upon Primary Conservation Areas, which include wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and their layout shall respect Secondary Conservation Areas as described in this Section.
19. Views of residential lots from exterior roads and abutting properties shall be minimized by the use of changes in

topography, existing vegetation, or any additional landscaping which meets the landscaping requirements of this or any applicable Township ordinance.

(d) Special Provisions for Conservation of Historic Resources

Historic resources, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable, through incorporation into development plans and design. Applicants are encouraged to contact the Perry County Historians and/or the Pennsylvania Historical and Museum Commission for information regarding historic resources.

(e) Open Space Designation and Management Standards

1. General Standards for Open Space Designation

- a. Areas designated as required open space shall be consistent with the goals and strategies of the Penn Township Comprehensive Plan. The location and layout of required open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the resources listed herein below. The required open space land shall consist of a mixture of Primary Conservation Areas (PCAs) and Secondary Conservation Areas (SCAs). All of the land identified as PCA must be included as part of the required open space.

PCAs comprise wetlands, one hundred (100) year floodplains, slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts.

SCAs shall include special features of the property and include the following features:

- (1) Any area designated for "Conservation/Open Space" on the Future Land Use Map in the Penn Township Comprehensive Plan;
- (2) Surface water bodies, streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales, as well



as the one hundred (100) year floodplains, wetlands, wet soils, and other lowland areas, including adjacent buffer areas which may be required elsewhere in the Ordinance and/or the Penn Township Subdivision and Land Development Ordinance, to insure their protection.

- (3) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania State Natural Diversity Inventory.
- (4) Slopes greater than or equal to sixteen (16) percent in the FC zoning district and prohibitive slopes greater than or equal to twenty-five (25) percent in the AR and R1 zoning districts, and particularly those adjoining water courses including streams and springs (intermittent and perennial), ditches, drains, and natural drainage swales and surface water bodies where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- (5) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats and trees with a diameter in excess of fifteen (15) inches measured twelve (12) inches above the ground.
- (6) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- (7) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetational features representing the site's rural nature.
- (8) Class I, II and III agricultural soils as

defined by the USDA Natural Resource Conservation Service.

- (9) Historic structures and sites, as well as public and private cemeteries or burial areas.
  - (10) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic view sheds particularly those with historic features) as seen from public roads and trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail.
  - (11) Existing trails, specifically including the Appalachian Trail, Susquehanna River Trail and the Juniata River Trail connecting the tract to other locations in the Township.
- b. No portion of the designated required open space shall be measured as contributing to the minimum required open space area:
- (1) Within twenty-five (25) feet of any structure except structures devoted to permitted open space uses;
  - (2) Extending less than one hundred (100) feet in the narrowest dimension at any point;
  - (3) Stormwater management facilities. At the discretion of the Board of Supervisors, areas devoted to stormwater management facilities may be included within the minimum required open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:
    - (i) Promote recharge of the groundwater system;
    - (ii) Be available and appropriate for active or passive recreational use or scenic enjoyment; and
    - (iii) Otherwise conform to the purposes,

standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to:

- 1) blend into the scenic landscape;
- 2) permit passive recreational use over the top of it; while
- 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

c. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within required open space areas. Where such facilities are so located maintenance agreements and easements satisfactory to the Board of Supervisors shall be established to require and enable maintenance of such facilities by the appropriate parties.

d. Areas designated for open space purposes may be used for any of the following, subject to any additional provisions set forth herein below, Articles XIII and XVI, or elsewhere in this Ordinance:

- (1) Conservation areas and structures for the conservation of open space, water, soil and wildlife resources.
- (2) Crop and tree farming, pasturing, truck gardening, horticulture, aviaries, hatcheries, apiaries and similar enterprises.
- (3) Raising and keeping of poultry, rabbits, goats and similar animals.
- (4) General and specialized farms, which includes the raising, keeping and breeding of

livestock for gain (such as cattle, hogs, horses, ponies, cows, sheep and similar livestock), but excluding Intensive Agricultural Operations and associated residential dwellings for all types of farming operations. General and specialized farms shall be subject to the following regulations:

- (i) No building in which farm animals are kept shall be closer than one hundred (100) feet to any adjoining lot line.
  - (ii) No storage of manure or of odor or dust producing substances or materials shall be permitted within one hundred (100) feet of any adjoining lot line.
- (5) Nurseries and greenhouses. (see Section 1635).
  - (6) General gardening.
  - (7) Roadside stands for the sale of edible produce grown on the premises when located not less than twenty (20) feet from the right-of-way of any roadway.
  - (8) Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required open space land or five (5) acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within one hundred (100) feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces for each field use.
  - (9) Golf courses, including their parking areas and associated structures, may comprise up to one half (1/2) of the minimum required

open space land, but shall not include driving ranges or miniature golf.

- (10) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the minimum required open space.
  - (11) Easements for drainage, access, sewer or water lines, or other public purposes.
  - (12) Underground utility right-of-way. Above-ground utility and street right-of-way may traverse required open space areas but shall not count toward the minimum required open space.
- e. Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
  - f. Open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
  - g. Where open space development is planned to occur in two (2) or more development phases, a proportionate amount of designated required open space and required parking shall be permanently recorded as part of an approved final plan with each phase.

(2) Standards for Ownership of Required Open Space

Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Perry County. Subject to such

permanent restrictions, required open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.

a. Offer of Dedication

The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of required open space land provided:

- (1) Such land is accessible to the residents of the Township;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
- (3) The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of required open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

b. Homeowners' Association

The required open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.

- (1) The developer shall provide a description of

the Association including its bylaw and methods for maintaining the open space.

- (2) The Association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- (3) Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
- (4) The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- (5) The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- (6) In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
- (7) The Association shall have or hire adequate

staff to administer common facilities and properly and continually maintain the common open space land.

- (8) The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
  - (i) That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
  - (ii) That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
  - (iii) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.
- (9) The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Perry County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer.
- (10) Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft



Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

c. Condominiums

The required open space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Subsection 1641.2.f. (3) (e) 2.b, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

d. Dedication of Easements

The Township may, but shall not be required to, accept easements for public use of any portion or portions of required open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

- (1) Such land is accessible to Township residents;
- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- (3) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.

e. Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- (1) The organization is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains appropriate provision for proper reverter or transfer to a receiving activity which itself has such a clause in the event that organization becomes unwilling or unable to continue carrying out its functions;
- (3) A maintenance agreement shall be entered into by the developer, the organization and the Board of Supervisors.

f. Private Ownership of Required Open Space

- (1) Required open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for required open space herein.
- (2) All or portions of the designated required open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of required open space be conferred upon and/or divided among the owners of one or more individual lots.

(3) Required Open Space Management Plan

- a. All open space development plans shall be accompanied by a conceptual plan for the long-term management of the required open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the required open space will be owned and by whom it will be managed and maintained; (2) the

conservation, land management and agricultural techniques and practices which will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Perry County Conservation District where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the required open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Board of Supervisors.

- b. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Perry County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

(4) Open Space Performance Bond

- a. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same

conditions as otherwise required for proposed improvements under the governing subdivision and land development ordinance.

- b. An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

**Section 3** Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

**Section 4** Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective immediately.

**Section 5** Enactment

**ENACTED, ORDAINED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

PENN TOWNSHIP BOARD OF SUPERVISORS

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Henry A. Holman, II, Chairman

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Charles H. Stoner, Vice Chairman

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Robert E. Shaffer, S., Supervisor

6. Maintenance. The following maintenance requirements shall apply:
  - a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
7. Radio Frequency Emissions. No Tower-Based WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
8. Historic Buildings or Districts. No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or eligible to be so listed, or has been designated by the Township as being of historic significance.
9. Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.
10. Lighting. No Tower-Based WCF shall be artificially lit, except as required by law. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. Such plan shall be reviewed by the Township or its consultant, and shall not be implemented until express approval is provided to the applicant.
11. Noise. Tower-Based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
12. Aviation Safety. Tower-Based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
13. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of

the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities. Prior to such review and evaluation, the applicant shall place funds in escrow to reimburse the Township for its costs.

14. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
15. Non-Conforming Uses. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.
16. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
  - c. Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.
17. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs.

18. FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, as well as the future renewals of such license, including the name, address, and emergency telephone number for the operator of the facility.
19. Insurance. Each Person that owns or operates a Tower-Based WCF shall provide the Township with a certificate of insurance on an annual basis, evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.
20. Indemnification. Each Person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
21. Engineer Signature. All plans and drawings for a tower and antenna shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

**SECTION VI. Tower-Based Facilities Outside the Rights-of-Way**

- A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:
  - I. Development Regulations:
    - a. Location. No Tower-Based WCF shall be located within three hundred (300) feet of a residential lot in use, or in any area in which utilities are undergrounded. Tower-Based WCFs shall only be allowed in the following zoning districts by conditional use:
      - i. The AR-Agricultural Rural District.
      - ii. The C-Commercial District.
      - iii. The I-Industrial District.

- b. Prohibited in Certain Areas. No Tower-Based WCF shall be located in any district zoned residential, with the exception of those mentioned in Section VI.A.1 of this Ordinance.
- c. Distance. No Tower-Based WCF measuring over fifty (50) feet in height shall be situated closer than one thousand (1,000) feet from another Tower-Based WCF measuring over fifty (50) feet in height, such distance being measured as a horizontal distance from structure to structure.
- d. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCFs.
- e. Sole Use on a Lot. A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.
  - i. Setback. The Tower-Based WCF shall be setback from any residential property line by at least three hundred (300) feet, and from any other property line by at least the height of the Tower-Based WCF plus thirty (30) feet.
- f. Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:
  - i. The existing use on the property may be any permitted use in the applicable zoning district, and need not be affiliated with the communications facility.
  - ii. Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
  - iii. Minimum Setbacks. The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no Tower-Based WCF shall be located within three hundred (300) feet of a lot in residential use or a residential district boundary, or from any other property line by at least the height of the Tower-Based WCF plus thirty (30) feet.



2. Conditional Use Requirements. Applicants for a Wireless Communications Facility shall present testimony and evidence to the Board of Supervisors in support of the following requirements:
  1. The applicant shall present documentation that the facility is designed in accordance with all the standards cited in this Ordinance for wireless communications facilities.
  2. The applicant shall demonstrate that the antenna/tower/pole for the WCF is the minimum height necessary for the service area.
  3. The applicant shall demonstrate that the proposed WCF complies with all State and Federal laws and regulations concerning aviation safety.
  4. The need for additional buffer yard treatments shall be evaluated.
  5. The applicant shall demonstrate that the WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists. That is, the applicant shall demonstrate that there are no other structures, which can accommodate
  6. Where the WCF is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
3. Notice. Upon Township's receipt of an application for a Tower-Based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 1,000 linear feet of the site of the proposed facility and of every property zoned residential not on the same street within 500 feet of the proposed facility. The cost of the mailing shall be at applicant's expense.
4. Co-Location. An application for a new Tower-Based WCF shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
5. Design Regulations:
  - a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic

impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.

- b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
- c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennae and comparable Antennae for future users.
- d. Guy wires, if utilized, may not be anchored in any minimum building setback area of the zoning district in which the Tower-Based WCF is located. Guy wires shall not cross or encroach any overhead telephone wires.

6. Surrounding Environs:

- a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- b. The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA Standard 222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

7. Fence/Screen:

- a. A security fence, including barbed wire at the top of the fence, shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment. All security fences shall be the maximum height permitted in the respective underlying zoning district and comply with the regulations contained in Section 1309 of this Chapter.
- b. The applicant shall submit a landscaping plan in accordance with the requirements of the Penn Township Subdivision and Land Development Ordinance.
  - i. Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in the Penn Township Subdivision and Land Development Ordinance.
  - ii. Existing vegetation shall be preserved to the maximum extent possible.

- iii. All landscaping and screening shall comply with the regulations contained in Section 1310 of this chapter, as well as Section 512 of the model Subdivision and Land Development Ordinance.

8. Accessory Equipment:

- a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground or screened from public view using Stealth Technologies, as described above.
  - b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
9. Additional Antennae. As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.
10. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with dust-free, all weather surface.
11. Parking. For each Tower-Based WCF, there shall be at least one off-street parking space.
12. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township Solicitor, in an amount of \$100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The bond shall additionally provide that the Township may recover compensatory damages incurred during the removal or demolition of Tower-Based WCFs deemed to be unsafe or hazardous. The owner shall file the bond with the Township.
13. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.

14. Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

## **SECTION VII. Tower-Based Facilities in the Rights-of-Way**

The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:

1. Location.
  - a. No Tower-Based WCF shall be located in any area in which utilities are undergrounded.
  - b. Tower-Based WCFs shall only be permitted in the following zoning districts:
    - i. The AR-Agricultural Rural District.
    - ii. The C-Commercial District.
    - iii. The I-Industrial District.
  - b. Any application proposing the construction of a Tower-Based WCF in the public Rights-of-Way, not within the physical boundaries established in Section VII(A)(1)(b) of this Ordinance, shall be treated as a conditional use application.
2. Conditional Use Requirements. Applicants for a Wireless Communications Facility shall present testimony and evidence to the Board of Supervisors in support of the following requirements:
  1. The applicant shall present documentation that the facility is designed in accordance with all the standards cited in this Ordinance for wireless communications facilities.
  2. The applicant shall demonstrate that the antenna/tower/pole for the WCF is the minimum height necessary for the service area.
  3. The applicant shall demonstrate that the proposed WCF complies with all State and Federal laws and regulations concerning aviation safety.
  4. The need for additional buffer yard treatments shall be evaluated.
  5. The applicant shall demonstrate that the WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.

3. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Tower-Based WCFs in the ROW.
4. Notice. Upon Township's receipt of an application for a Tower-Based WCF, the Township shall mail notice thereof to the owner or owners of every property zoned residential on the same street within one thousand (1,000) linear feet of the site of the proposed facility and of every property zoned residential not on the same street within five hundred (500) feet of the proposed facility. The cost of the mailing shall be at the applicant's expense.
5. Co-location. An application for a new Tower-Based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
6. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
7. Equipment Location. Tower-Based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - a. In no case shall ground-mounted equipment, walls, or landscaping be located within twenty-four (24) inches of the face of the curb;
  - b. To the fullest extent possible, all junction boxes, splice boxes, and termination points in the public ROW shall be undergrounded in waterproof vaults.
  - c. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - d. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

- e. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
- f. Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.

8. Design Regulations.

- a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.
- b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than fifty (50) feet. The maximum height of a Tower-Based WCF in the ROW shall not exceed fifty (50) feet, including additions and antennae. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
- c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennae and comparable Antennae for future users.

9. Visual or Land Use Impact. The Township reserves the right to deny the construction or placement of any Tower-Based WCF in the ROW based upon visual and/or land use impact.

10. Additional Antennae. As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.

11. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- d. The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;

- e. The operations of the Township or other governmental entity in the Right-of-Way;
- f. Vacation of a street or road or the release of a utility easement; or
- g. An Emergency as determined by the Township.

12. Compensation for ROW Use. In addition to permit fees as described in Section V.16 above, every Tower-Based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for Tower-Based WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such Tower-Based WCF.

13. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of one hundred fifty thousand dollars (\$150,000) to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The bond shall additionally provide that the Township may recover compensatory damages incurred during the removal or demolition of Tower-Based WCFs deemed to be unsafe or hazardous. The owner shall file a copy of the bond with the Township.

**SECTION VIII. General Requirements for All Non-Tower Wireless Communications Facilities**

A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not substantially Change the physical dimensions of the Wireless Support Structure to which they are attached:

1. Permitted in All Zones Subject to Regulations. Non-Tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
2. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical

Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

3. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA, Standard 222, as amended).
4. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
5. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
6. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
7. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
8. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.



9. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.
- B. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:
1. Permitted in All Zones Subject to Regulations. Non-Tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township. Non-Tower WCFs shall not be located on any dwelling unit.
  2. Standard of Care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
  3. Compliance with Township Building Code. Any applicant proposing Non-Tower WCFs to be mounted on a building or other structure shall submit evidence from a professional engineer, licensed in the Commonwealth of Pennsylvania, that the proposed installation will not exceed the structural capacity of the building or other structure. The applicant must further provide a detailed construction and elevation drawings indicating how the Non-Tower WCFs will be mounted on the structure for review by the Township Engineer for compliance with the Penn Township Building Code and other applicable laws and regulations.
  4. Wind. Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222-E Code, as amended). Such structures shall be able to withstand wind gusts of up to one hundred (100) miles per hour.
  5. Public Safety Communications. No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  6. Historic Buildings. No Non-Tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or is eligible to be so listed, or is listed the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township as being of historic significance.
  7. Aviation Safety. Non-Tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

8. Maintenance. The following maintenance requirements shall apply:
  - a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
9. Radio Frequency Emissions. No Non-Tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
10. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
  - a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Township.
  - b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
11. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.
12. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the

Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

13. Bond. Prior to the issuance of a permit, the owner of a Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in an amount of thirty five thousand dollars (\$35,000) to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The bond shall additionally provide that the Township may recover compensatory damages incurred during the removal or demolition of Non-Tower WCFs deemed to be unsafe or hazardous. The owner shall file a copy of the bond with the Township.
14. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.
15. Insurance. Each Person that owns or operates a Non-Tower WCF, on an annual basis, shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.
16. Indemnification. Each Person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each Person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
17. Engineer Signature. All plans and drawings for a Non-Tower WCF shall contain a seal and signature of a professional structure engineer, licensed in the Commonwealth of Pennsylvania.

## SECTION IX.

### Non-Tower Wireless Facilities Outside the Rights-of-Way

The following additional regulations shall apply to Non-Tower Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. Development Regulations. Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCFs subject to the following conditions:
  - a. Non-Tower WCFs shall not be located on any dwelling unit.
  - b. Such WCF does not increase the overall height of the Wireless Support Structure to more than two hundred (200) feet.
  - c. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
  - d. An eight (8) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
  
2. Design Regulations.
  - a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the Township.
  - b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of twenty (20) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a variance.
  - c. All Non-Tower WCF applicants must submit documentation to the Township justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
  - d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.
  - e. Non-Commercial Usage Exemption. Township citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the Design Regulations enumerated in Section IX.2 of this Ordinance.

3. Removal, Replacement, Modification.
  - a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.
  - b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.
4. Visual or Land Use Impact. The Township reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.
5. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

**SECTION X. Non-Tower Wireless Facilities in the Rights-of-Way**

A. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:

1. Co-location. Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.
2. Design Requirements :
  - a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
  - b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
3. Compensation for ROW Use. In addition to permit fees as described above, every Non-Tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but

not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Non-Tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WCFs shall be determined by the Township and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such Non-Tower WCF.

4. Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
5. Equipment Location. Non-Tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
  - a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
  - b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.
  - e. Any underground vaults related to Non-Tower WCFs shall be reviewed and approved by the Township.
6. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- a. The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
  - b. The operations of the Township or other governmental entity in the Right-of-Way;
  - c. Vacation of a street or road or the release of a utility easement; or
  - d. An Emergency as determined by the Township.
7. Visual or Land Use Impact. The Township retains the right to deny an application for the construction or placement of a Non-Tower WCF based upon visual and/or land use impact.

**SECTION XI. Miscellaneous**

1. Police Powers. The Township, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.
2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
3. Effective Date. This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Penn Township.

ENACTED AND ORDAINED this 28 day of May, 2014.

ATTEST:

PENN TOWNSHIP  
BOARD OF SUPERVISORS:

  
Secretary

  
Chairman

**PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2008 - 02**

**AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING  
ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY.**

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2003, August, 16, 2004, December 28, 2005, January 25, 2007, and September 26, 2007, is further amended by adding the following section:

**Section 1 – Article II – Definitions shall be amended as follows:**

The following definitions shall be added to Section 2. Definitions

A. Industrial Uses:

1. General Industrial Use: A use:

- a. involving the processing and manufacturing of semi-finished and/or finished materials or products predominately from extracted raw materials;  
and/or
- b. engaged in the storage of, manufacturing processes using, and/or shipping of flammable or explosive materials;  
and/or
- c. engaged in the storage, manufacturing processes, and/or shipping of materials or products that potentially involve hazardous or commonly offensive conditions;  
and

due to the nature of the processes, should not be located adjacent to residential areas.

2. Limited Industrial Uses:

- a. involving the manufacturing, predominately from previously prepared semi-finished or finished materials products or parts, finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of such finished products;  
and  
due to the inoffensive nature of the processes and site amenities including attractive buildings, setbacks, landscaping and screening, are compatible with neighboring residential uses.  
but
- b. excluding the processing of extracted and/or raw materials.



- B. Manufacturing: The processing and/or converting of raw, unfinished, or finished materials or products or any or either of them into an article or substance of different character or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.
- C. Research and Development: Investigations in the natural, physical, technical or social science or engineering and development as an extension of such investigation with the objective of creating end products.
- D. Research Laboratory: A building or groups of buildings housing facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.
- E. Warehouse: A building used primarily for the indoor storage of products, supplies and equipment.
- F. Warehousing, Distribution and Wholesaling: A use engaged in the storage, wholesale and/or distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazard or commonly recognized offensive conditions, and also excluding any heavy equipment or truck washing, servicing and/or repair, unless such uses are specifically permitted in that zoning district. Wholesaling of products, supplies and equipment shall not be open to or accessible by the general public, unless incidental to the principal warehousing operation.
- G. Wholesale: Any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general public.

Section 2 – Article X – MUC – Mixed Use Commerce District shall be amended as follows: eliminating current Article X, Sections 1001 through 1010 and adding hereinafter provisions.

A. Section 1001 – Intended Purpose

The MUC - Mixed Use Commerce District is designed to promote a compatible combination of light industrial, professional, and commercial uses in an aesthetically pleasing, and planned environment where such uses can complement or support each other and the surrounding environs. It is also the intent of this district to limit the adverse effect of the uses on the existing transportation network and ensure compatibility with the surrounding zoning districts. Attractive buildings and inoffensive processes characterize such uses. To these ends, the Mixed Use Commerce District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire and safety hazards and other detriments to the human and natural environment.

B. Section 1002 – Use Standards

Permitted and Conditional Uses in the Mixed Use Commerce District shall be subject to the following conditions:

1. Parking, loading or service areas used by motor vehicles shall be physically separated from all streets by a suitable barrier against unchanneled motor vehicle access or egress. All roads, driveways, parking areas and walks shall be paved and maintained in good condition with hard surface materials.
2. Illumination. All illumination shall comply with the requirements of Section 1312.
3. Landscaping and Screening. The entire lot shall be suitably landscaped pursuant to Section 1310 (except for those areas that are covered by buildings or surfaced as parking or service areas). All landscaping and screening shall be properly maintained throughout the life of any use on any lot.
4. All uses within the Mixed Use Commerce District shall be served by a public sewerage system.

C. Section 1003 – Permitted Uses

In a Mixed Use Commerce District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to Land Development Plan approval in accordance with the Penn Township Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Ordinance.

1. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, offices for utilities; government; medical clinics and facilities; business and professional uses, and veterinary clinics.
2. Plumbing and HVAC, carpentry, electrical, roofing and similar contracting businesses.
3. Newspaper and printing, photocopying, bookbinding, and publishing establishments.
4. Essential services buildings and structures with locational requirements. (see Section 1645)
5. Essential services buildings and structures without locational requirements. (See Section 1645)
6. Retail businesses, such as variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments with or without the sale of alcohol, liquor stores, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.
7. Day care centers. (see Section 1614)
8. Personal services, such as barbershops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, and millinery.
9. Dry cleaners, laundries, and laundromats. (see Section 1632)
10. Indoor commercial recreation facilities. (see Section 1620)
11. Hotels and motels. (see Section 1626)
12. Animal hospitals and veterinarian clinics. (see Section 1616)
13. State, county or federal buildings. (see Section 1646)
14. Limited Industrial Uses, involving the manufacturing of (predominately from previously prepared semi-finished or finished materials products or parts), finished materials and products, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution, as well as the repair of finished products including:
  - a. Clocks or watches.
  - b. Toys or novelties.
  - c. Electrical appliances.
  - d. Electronic components.
  - e. Office equipment.
  - f. Sheet metal products.
  - g. Machine tools.
  - h. Food Products.
  - i. Cosmetics, toiletries and pharmaceuticals.

- j. Optical, dental and medical supplies and equipment.
  - k. Jewelry and other precious metals.
  - l. Hand tools.
  - m. Ceramics.
  - n. Furniture, cabinets, fixtures, office supplies, floor and ceiling materials, and other household appointments.
  - o. Textiles/apparel products.
  - p. Wood products.
  - q. Paper products.
  - r. Metal fabrication and forging.
  - s. Manufacture of metal dies and taps.
  - t. Scientific, specialized and technical instruments and equipment.
  - u. Hardware, software for audio-video components, computers, vending machines and video games.
  - v. Photographic, lighting and timekeeping equipment.
  - w. Household appliances.
  - x. Musical instruments and sporting equipment.
  - y. Monument production and sales.
15. Warehousing, distribution and wholesaling of products, supplies and equipment, including lumber yards, building and construction materials, nursery and garden materials, and farm supply. (see Section 1629)

D. Section 1004 - Accessory Uses and Structures

The following customary accessory uses and structures incidental to any permitted uses shall be permitted:

- 1. Uses and structures which are customarily associated with the permitted uses:
  - a. Storage buildings.
  - b. Parking and loading areas.
- 2. Uses and structures limited to servicing employees of the any permitted or conditional use allowed in this district and adjacent properties within the district:
  - a. Business services.
  - b. Retail businesses.
  - c. Personal services.
  - d. Day care centers.

- e. Dry cleaners, laundries, and laundromats.
  - 3. Signs, as provided in Article XV of this Ordinance.
- E. Section 1005 - Conditional Uses

The following uses and activities may be permitted by Conditional Use upon approval of the Board of Supervisors after a public hearing and recommendation by the Planning Commission. Conditional Uses shall be subject to the requirements specified in Articles XVI and XVIII and elsewhere in this Ordinance:

- 1. Self-service Storage Facility (Mini Warehouse). (see Section 1630)
- 2. Uses which, in the opinion of the Board of Supervisors, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of this district. In such instances, final approval of the use shall be subject to the functions and procedures as identified in Section 1805 and Section 1820 of this Ordinance.
- 3. Research and development, excluding animal research and testing.

F. Section 1006 – Use Limitations

- 1. All uses shall be provided for in accordance with standards as contained within Article XVI.
- 2. Outdoor storage and display, when accessory to a permitted or conditional use, shall be regulated as follows:
  - (1) Outdoor storage or display shall not occupy any part of the street right-of-way, area intended or designed for pedestrian use, required off-street parking areas, or required front yard, and shall be screened from view from adjoining public streets and residential properties. Screening shall be pursuant to Section 1310 of this Ordinance.

G. Section 1007 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, lot coverage, and yard and building setback of not less than the dimensions shown below shall be provided for every principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

Use	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
Public Sewer	1 Acre	150'	60	50' ****	15' ****	30' *****	15' *****	***
Public Water and Public Sewer	25,000 SF	100'	75	50' ****	15' *****	30' *****	15' *****	***

\*\* Minimum requirement unless specified elsewhere herein  
 \*\*\* Unless elsewhere specified in this Ordinance, the maximum building height shall comply with the Uniform Construction Code, as amended.  
 \*\*\*\* Front building setback can be reduced to 25' if parking is located in the rear yard.  
 SF - square feet; FT – feet  
 \*\*\*\*\* There shall be a minimum side and rear building setback of 50' from any such property line that is adjoining any residential property and/or residentially-zoned property

G. Section 1008 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided for in accordance with Article XIV of this Ordinance.

H. Section 1009 - Minimum Off-Street Loading and Unloading Requirements

Off-street loading and unloading facilities shall be provided for in accordance with Article XIV of this Ordinance.

I. Section 1010 – Structural Siting and Design

In applying the provisions of this Section, particular emphasis shall be given to the siting and design of all structures.

1. All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry stone, brick, finished wood, stucco, metal and glass, preferably a combination thereof. The façade facing a street shall have at least two (2) or more materials named above.
2. The design and siting of the building shall compliment the natural terrain and vegetation of the site.

Section 3 – Article XIII – Performance Standards shall be amended as follows:

A. Section 1303 Water Supply and Sewerage Facilities Required

In the interest of protecting the public health, safety and welfare, every premise, used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with both a safe and sanitary water supply, a minimum of 1 bathroom per premise, and a safe and sanitary means of collection and disposal of commercial and industrial waste. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Protection.

B. Section 1310 Landscaping and Screening

1. Landscaping

- a. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
- b. Except for single-family detached, single-family semi-detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of a Land Development Plan required under the Township's Subdivision and Land Development Ordinance.

2. Planting Strip

All nonresidential uses excluding agricultural uses shall include planting strips or buffer areas in accordance with the following:

- a. A planting strip of thirty (30) feet in width shall be required along all property lines that are adjoining any residential property and/or residentially-zoned property.

- b. At least twenty (20) feet in width of the planting strip shall be planted and screened with a dense vegetative screen planting in accordance with 1310.3 below. The remainder of the planting strip shall be grass or ground cover. Planting strips shall be kept free of all debris and rubbish.
- c. The required yard space for the zoning district in which the use is located may be considered as all or part of the required planting strip area.
- d. No structure, storage area, customer or client parking, loading/unloading area shall be permitted in the required planting strip area. Said planting strip shall only be broken by approved driveway or access drive entrances or exits

3. Screening

- a. Screening requirements shall be applicable under the following circumstances:
  - (1) Where proposed non-residential uses, excluding agricultural uses, abut an existing residential use or residential district.
  - (2) Where any proposed multi-family residential uses abut an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.
  - (3) Any other instances where screening is required by This Ordinance or by the Township.
- b. Screening shall be provided in accordance with the following requirements:
  - (1) All required screening shall be located within the required planting strip.
  - (2) Said screening shall form a solid, continuous barrier and may consist of a masonry wall, wood fence, trees, shrubs, berms or any combination thereof.
  - (3) All landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3-1/2) feet in height and of such species as will produce, within three (3) growing season, a screen at least six (6) feet in height so as to continually restrict a clear view beyond said buffer strip
  - (4) In the event a masonry wall or wood fence is used for screening purposes, vegetative landscaping set forth in Section 1310.3.b.3 above shall be placed and maintained between the wall or fence and the property line adjoining to property with residential use, residentially-zoned district or other applicable use, to form an ornamental screen.
  - (5) Said screening shall be maintained by property owner(s).

C. Section 1314 - Outdoor Storage

- 1. No storage shall be permitted within the front yard of any lot.
- 2. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed ten (10) feet in height in residential districts and twenty (20) feet in height in other districts. For any non-residential use, excluding agricultural uses, all outdoor storage areas located within any part of a yard area adjacent to a property line that is adjoining any residential property and/or residentially-zoned property shall be screened in accordance with Section 1310 of this

Ordinance during all seasons of the year. The size and the spacing requirements shall be determined and approved by the Board of Supervisors, upon recommendation of the Planning Commission, as part of an approved land development plan.

3. No flammable or explosive liquids, solids or gases shall be stored in bulk (in quantity greater than 275 gallons) above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural, commercial or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Township.
4. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant shall take all federal, state and local required measures and recommended measures resulting from the review of the plan to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to soil, surface water or groundwater.

D. Section 1316 – Air Pollution

1. Odor

For all non-agricultural uses, no continuous frequent and repetitive emission of odor or odor-causing substance which would be offensive at or beyond any property line shall be permitted. The existence of an odor shall be presumed when the concentration of the odor-causing substance or substances in the air at any point at or beyond the property line of the source exceeds the lowest concentration listed as the odor threshold for such substance or substances set forth in Table III, Odor Thresholds, of Chapter 5, Physiological Effects, of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual. No odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.

2. Smoke

Regarding density of smoke, it is prohibited to emit visible air contaminants into the outdoor atmosphere in such a manner that the opacity of the emission from any chimney, stack, vent, opening or combustion process is equal to, or greater than 20% for a period aggregating more than 3 minutes in any 1 hour. Emissions that have an opacity equal to or greater than, 60% are prohibited at all times. Opacity shall be measured using observers, trained and certified, to measure plume opacity with the naked eye, as per EPA Method 9, or with the aid of devices approved by Pennsylvania Department of Environmental Protection.

3. Particulate Matter

- a. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factors set forth in the following table:

Allowance for Height of Emission*	
Height of Emission	Correction (Pounds
Above Grade (feet)	Per Hour Per Acre
50 – 99.99	0.01

100 - 149.99	0.06
150 - 199.99	0.10
200 - 299.99	0.16
300 - 399.99	0.30
400+	0.05

NOTE:

\*Interpolation for intermediate values not shown in table.

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
  - (1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
  - (2) From each gross hourly rate of emission derived in Subsection 3.a above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
  - (3) Add together the individual net rates of emission derived in Subsection 3.b above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one hour period.

E. Section 1317 Electromagnetic Interference

In all districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception and/or transmission off the premises where the activity is conducted.

F. Section 1318 Fire and Explosive Hazards

The Uniform Construction Code shall regulate hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of a structure or premises.

G. Section 1319 Glare and Heat

Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising



the ambient temperature of air or materials more than 5° Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) foot candles measured at the property line.

H. Section 1320 Toxic and Hazardous Substance Storage

Storage of toxic and hazardous substance shall meet the requirements of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Labor and Industry, and/or the United States Environmental Protection Agency.

I. Section 1321 Ground Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located. Vibrations from temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.

J. Section 1322 Required Traffic Study Standards

For all uses requiring a traffic study, the applicant's professional traffic engineer conducting the required study shall meet with the Township Engineer and Road Master or Road Foreman prior to conducting the traffic study, in order to mutually agree upon the extent of the traffic study, including intersections to be studied. At a minimum, the following shall be considered:

1. A description of the traffic impact area (TIA), including its major roads and potential traffic generation rates to be determined by current references.
2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development, and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.
3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
6. Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.
7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.

Section 4 – Article XVI – Supplemental Use Standards shall be amended as follows:

- A. Section 1609.2.b - The minimum front, side and rear yard shall be 100 feet each.
- B. Section 1610.2.b - The minimum front, side and rear yard shall be 100 feet each.

- C. Section 1611.2.c. - The minimum front, side and rear yard shall be 50 feet each.
- D. Section 1612.2.b - The minimum front, side and rear yard shall be 25 feet each.
- E. Section 1613.3.f - Traffic generated by the home occupation shall not exceed volumes that would normally be expected in a residential neighborhood.
- F. Section 1621.1 - Permitted Uses. Conversion of an existing residential structure to a non-residential use. The conversion can be total conversion from residential use or a conversion of a portion of the premises, with the retention of one or more dwelling units. (As in the case of a first-floor retail or office use with apartment(s) on the second and higher floors.)
- G. Section 1637.2.i - Access shall be provided to the Communications Tower and Communications equipment Building by means of a public street, or a private right-of-way twenty (20) feet in width and which shall be improved to a width of at least twelve (12) feet.
- H. Section 1639.2 – All exterior retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
- I. Area and Section 1629 – Warehousing, Distribution and Wholesaling
  - 1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
  - 2. All area and bulk requirements of the prevailing zoning district shall apply.
  - 3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
    - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
    - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
    - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
  - 4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.
- J. Section 1631 - General Industrial Uses
  - 1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
  - 2. All area and bulk requirements of the prevailing zoning district shall apply.

3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site processing activities and operations, the types of materials used in the process products produced, and the generation and methods for any disposal of any wastes and/or by-products, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale of the operation, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

K. Section 1633 – Trucking Terminals

Truck or motor freight terminals are subject to the following criteria:

1. Access shall be via an arterial road.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials stored the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale of the operation in terms of its market area, associated incidental uses including storage areas, specific floor space requirements for each activity, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed Article 13 of this Ordinance.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

L. Section 1644 – Flea Markets (Indoor/Outdoor)

Indoor and Outdoor Flea Markets are permitted as a conditional use in the Commercial District subject to the following criteria:

1. Minimum lot size for an outdoor market shall be two (2) acres.
2. Outdoor markets shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
3. The applicant shall present evidence that the proposed use will not be detrimental to the use of adjoining properties as a result of, but not limited to, hours of operation, noise, light, litter, dust, pollution and traffic congestion.
4. Off-street parking shall be provided pursuant to Article XIV of this ordinance. The Board of Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.

M. Section 1651 – Research and Development

1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
  - a. The nature of the on-site activities and operations, the types of materials used and stored, the products produced, and the generation and methods of disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
  - b. The general scale and location of any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.

N. Section 1652 - Limited Industrial Uses

1. The subject tract shall be accessed directly from either an arterial or collector road as identified in the Comprehensive Plan, or a street in a proposed commercial or industrial subdivision and/or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. All area and bulk requirements of the prevailing zoning district shall apply.
3. The applicant shall provide a detailed description of the proposed use(s) in each of the following topics:
  - a. The nature of the on-site processing activities and operations, the types of materials used in the process, products to be sold, and the generation and methods for any disposal of any wastes and/or by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

- b. The general scale and location of the industrial operations and any associated incidental uses including sales and storage areas, proposed products to be sold, the total number of employees on each shift, and an overall needed site size.
  - c. Any environmental impacts that are likely to be generated (e.g. odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in Article 13 of the Penn Township Zoning Ordinance, as amended.
4. The applicant shall furnish a traffic study in accordance with Section 1322 of this Ordinance.

**Section 5 - Effective Date**

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

**Section 6 -- Enactment**

ENACTED, ORDAINED, AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_, by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Supervisors

Penn Township Board of

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 \_\_\_\_\_  
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\_\_\_\_\_  
 Henry Holman, Chairman  
 \_\_\_\_\_  
 Randy Plummer, Vice-Chairman  
 \_\_\_\_\_  
 Lucinda "CeCe" Novinger

**CERTIFICATE OF ADOPTION**

I hereby certify the foregoing to be an exact copy of an Ordinance 2008- adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Secretary

**Adopted June 28, 2008**

PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2009 – 02

AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING  
ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY,  
AMENDING AND ADDING TO THE DEFINITIONS,  
AMENDING THE BUILDING HEIGHT REQUIREMENTS FOR  
ALL ZONING DISTRICTS AND AMENDING SECTION 1637.2.r  
COMMERCIAL COMMUNICATONS TOWER

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2003, August, 16, 2004, December 28, 2005, January 25, 2007, September 26, 2007, June 25, 2008 is further amended by adding the following section:

Section 1 – Article II – Definitions

A. The following definitions shall be amended as follows:

1. Building Height: The vertical dimensions measured from the average elevation of the finished lot grade at the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the top plate and ridge of a gable, hip or gambrel roof. (See Appendix A). The grade shall not be altered for the purpose of increasing the elevation of an object.
2. Story: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more below the level of the line of the finished floor next above it and has one-half or more of its height above the average level of the adjoining ground.
3. Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

B. The following definitions shall be added to Section 2 – Definitions:

1. Habitation: Occupation of a particular place regularly, routinely, or for a period of time.
2. Occupancy: Human presence in a building or part of a building.

Section 2 – Article IV – FC- Forest/Conservation District shall be amended as follows:

A. Article IV, Section 405 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
All Uses	4 acres*	300	20	40'	15'	50'	25'	40'
* Lot size subject to PA DEP approval for on-lot sewage disposal systems ** Minimum requirement unless specified elsewhere herein. SF - square feet; FT - feet								

**Section 3 – Article V – AR – Agriculture/Rural District** shall be amended as follows:

A. Article V, Section 505 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

Use	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	1 Acre	150'	60	50'	15'	30'	15'	40'
* Lot size subject to PA DEP approval for on-lot sewage disposal systems ** Minimum requirement unless specified elsewhere herein SF - square feet; FT - feet								

**Section 4 – Article VI – R-1 Low Density Residential District** shall be amended as follows:

A. Article VI, Section 605 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	20,000 SF	100	25	15'	15'	30'	25'	40'
Public Water and Public Sewer	15,000 SF	80'	30	25'	10'	20'	25'	40'

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 SF - square feet; FT -- feet

Section 5 – Article VII – R-2 High Density Residential District shall be amended as follows:

A. Article VII, Section 705 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	20,000 SF	100	25	15'	15'	30'	25'	40'
Public Water and Public Sewer	10,000 SF	80'	30	25'	10'	20'	25'	40'

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 SF - square feet; FT – feet

Section 6 – Article VIII – C- Commercial District shall be amended as follows:

A. Article VIII, Section 806 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.



	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40' ****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40' ****
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	40' ****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems.  
 \*\* Minimum requirement unless specified elsewhere herein.  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 7- Article IX - I- Industrial District shall be amended as follows:

Article IX, Section 907 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40' ****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40' ****
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	40' ****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 8 - Article X - MUC - Mixed Use Commerce District shall be amended as follows:

Article X, Section 1007 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the

dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40' ****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40' ****
Public Water and Public Sewer	25,000 SF	100'	75	25'	10'	20'	30'	40' ****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 9 – Article XIII – Performance Standards shall be amended as follows:

A. Section 1304 - Exceptions

1. Height Exceptions.

The height limitations of this Ordinance shall be conditional use in the following applications, agriculture structures, church spires, belfries, cupolas, and domes not used for human occupancy. Chimneys, ventilators, skylights, water tanks, bulkheads and similar features, and necessary mechanical appurtenances usually carried above the roof level shall be conditional use. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes that they are to serve and then only in accordance with any other government regulations.

2. Front-yard Exception

No proposed principal building shall have a set-back greater than the average of the two existing principal buildings with the greatest set-backs located within two-hundred (200) feet on each side of the said proposed principal building, on the same side of the street, within the same block, and the same district or one-half (1/2) the required minimum setback distance, which ever provides the greater setback from the street right-of-way line or property line.

3. Non-Conforming Uses

Any additions to a non-conforming assessorly building shall conform to the height requirements of the existing non-conforming assessorly building.

Section 10 – Article XVI – Supplemental Use Standards shall be amended as follows:

A. Section 1637 - Commercial Communication Tower

2. General Requirements for Communications Towers

- r. No Communications Tower shall be located closer than the height of tower, including antennas above the top of the tower, plus twenty (20) feet to any of the following:
  - (1) The nearest inhabited or occupied building;
  - (2) Playground;
  - (3) Ballfield;
  - (4) Other area used for active recreation;
  - (5) Activities such as, but not limited to, flea markets or farmer markets.

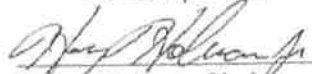
Section 11 - Effective Date

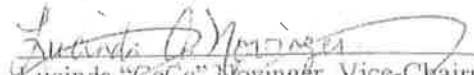
Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

Section 12 - Enactment

ENACTED, ORDAINED, AND ADOPTED THIS 25<sup>th</sup> DAY OF March, 2009 by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Penn Township Board of Supervisors

  
Henry Holman, Chairman

  
Lucinda "CeCe" Novinger, Vice-Chairman

  
Randy Plymmer

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance 2009-02 adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on March 25, 2009

  
Secretary

PENN TOWNSHIP  
PERRY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2009 – 02

AN ORDINANCE AMENDING THE PENN TOWNSHIP ZONING  
ORDINANCE OF 2003 OF PENN TOWNSHIP, PERRY COUNTY,  
AMENDING AND ADDING TO THE DEFINITIONS,  
AMENDING THE BUILDING HEIGHT REQUIREMENTS FOR  
ALL ZONING DISTRICTS AND AMENDING SECTION 1637.2.r  
COMMERCIAL COMMUNICATONS TOWER

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 2003-06 (The Penn Township Zoning Ordinance) originally enacted on July 23, 2003, amended May 26, 2003, August, 16, 2004, December 28, 2005, January 25, 2007, September 26, 2007, June 25, 2008 is further amended by adding the following section:

Section 1 – Article II – Definitions

A. The following definitions shall be amended as follows:

1. Building Height: The vertical dimensions measured from the average elevation of the finished lot grade at the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the top plate and ridge of a gable, hip or gambrel roof. (See Appendix A). The grade shall not be altered for the purpose of increasing the elevation of an object.
2. Story: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A “split level” story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building that is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if its floor level is six (6) feet or more below the level of the line of the finished floor next above it and has one-half or more of its height above the average level of the adjoining ground.
3. Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

B. The following definitions shall be added to Section 2 -- Definitions:

1. Habitation: Occupation of a particular place regularly, routinely, or for a period of time.
2. Occupancy: Human presence in a building or part of a building.

Section 2 – Article IV – FC- Forest/Conservation District shall be amended as follows:

A. Article IV, Section 405 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the ~~minimum~~ lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
All Uses	4 acres*	300	20	40'	15'	50'	25'	40'
* Lot size subject to PA DEP approval for on-lot sewage disposal systems ** Minimum requirement unless specified elsewhere herein. SF - square feet; FT -- feet								

**Section 3 – Article V – AR – Agriculture/Rural District** shall be amended as follows:

A. **Article V, Section 505 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements**

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

Use	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max. (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	1 Acre	150'	60	50'	15'	30'	15'	40'
* Lot size subject to PA DEP approval for on-lot sewage disposal systems ** Minimum requirement unless specified elsewhere herein SF - square feet; FT -- feet								

**Section 4 – Article VI – R-1 Low Density Residential District** shall be amended as follows:

A. **Article VI, Section 605 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements**

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	20,000 SF	100	25	15'	15'	30'	25'	40'
Public Water and Public Sewer	15,000 SF	80'	30	25'	10'	20'	25'	40'

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 SF - square feet; FT - feet

**Section 5 – Article VII – R-2 High Density Residential District** shall be amended as follows:

A. Article VII, Section 705 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	20	25'	15'	30'	25'	40'
Public Sewer	20,000 SF	100	25	15'	15'	30'	25'	40'
Public Water and Public Sewer	10,000 SF	80'	30	25'	10'	20'	25'	40'

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 SF - square feet; FT - feet

**Section 6 – Article VIII – C- Commercial District** shall be amended as follows:

A. Article VIII, Section 806 – Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40' ****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40' ****
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	40' ****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems.  
 \*\* Minimum requirement unless specified elsewhere herein.  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 7- Article IX - I- Industrial District shall be amended as follows:

Article IX, Section 907 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40' ****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40' ****
Public Water and Public Sewer	25,000 SF	100'	70	25'	10'	20'	30'	40' ****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 8 - Article X - MUC - Mixed Use Commerce District shall be amended as follows:

Article X, Section 1007 - Lot Area, Lot Width, Impervious Coverage, Building Setbacks, and Maximum Building Height Requirements

Unless specified in the USE SCHEDULE, or in Article XVI, the minimum lot area, lot width, impervious coverage, and yard and building setback, and building height of not less than the

Ordinance 2009-

dimensions shown below shall be provided for every dwelling unit and/or principal non-residential building or structure hereafter erected or altered for any use permitted in this district.

	Lot Requirements **			Minimum Building Setback (FT) **				Height
	Min. Lot Area	Min. Lot Width (FT)	Max. Impervious Coverage (%)	Front	One Side	Total Sides	Rear	Max (FT)
On-Lot Sewer	1.5 acres*	150'	60	50'***	25'	50'	25'	40' ****
Public Sewer	1 Acre	150'	60	50'***	25'	50'	25'	40' ****
Public Water and Public Sewer	25,000 SF	100'	75	25'	10'	20'	30'	40' ****

\* Lot Size Subject to PA DEP approval for on-lot sewage disposal systems  
 \*\* Minimum requirement unless specified elsewhere herein  
 \*\*\* Front Building Setback can be reduced to 25' if parking is located in the rear yard.  
 \*\*\*\* Building Height can be extended to 50' if the extra height is not used for habitation or regular used workspace, under Conditional Uses.  
 SF - square feet; FT - feet

Section 9 – Article XIII – Performance Standards shall be amended as follows:

A. Section 1304 - Exceptions

1. Height Exceptions.

The height limitations of this Ordinance shall be conditional use in the following applications, agriculture structures, church spires, belfries, cupolas, and domes not used for human occupancy. Chimneys, ventilators, skylights, water tanks, bulkheads and similar features, and necessary mechanical appurtenances usually carried above the roof level shall be conditional use. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes that they are to serve and then only in accordance with any other government regulations.

2. Front-yard Exception

No proposed principal building shall have a set-back greater than the average of the two existing principal buildings with the greatest set-backs located within two-hundred (200) feet on each side of the said proposed principal building, on the same side of the street, within the same block, and the same district or one-half (1/2) the required minimum setback distance, which ever provides the greater setback from the street right-of-way line or property line.

3. Non-Conforming Uses

Any additions to a non-conforming accessory building shall conform to the height requirements of the existing non-conforming accessory building.

Section 10 – Article XVI – Supplemental Use Standards shall be amended as follows:

A. Section 1637 - Commercial Communication Tower



Ordinance 2009-

2. General Requirements for Communications Towers

r. No Communications Tower shall be located closer than the height of tower, including antennas above the top of the tower, plus twenty (20) feet to any of the following:

- (1) The nearest inhabited or occupied building;
- (2) Playground;
- (3) Ballfield;
- (4) Other area used for active recreation;
- (5) Activities such as, but not limited to, flea markets or farmer markets.

Section 11 - Effective Date

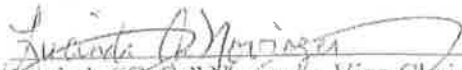
Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

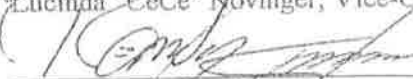
Section 12 - Enactment

ENACTED, ORDAINED, AND ADOPTED THIS 25<sup>th</sup> DAY OF March, 2009 by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly assembled.

Penn Township Board of Supervisors

  
Henry Holman, Chairman

  
Lucinda "CeCe" Novinger, Vice-Chairman

  
Randy Plummer

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance 2009-02 adopted by the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of the Board of Supervisors on March 25, 2009

  
Secretary

# **Appendix G**

## **Communication Towers**

TOWNSHIP OF PENN  
PERRY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014-4

AN ORDINANCE OF THE PENN TOWNSHIP, PERRY COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF PENN TOWNSHIP AND PARTICULARLY PROVIDING FOR THE REPEAL AND REPLACEMENT OF §1637 (COMMERCIAL COMMUNICATION TOWER) OF THE ZONING ORDINANCE; PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS TELECOMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS TELECOMMUNICATION FACILITIES; AND PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY.

NOW THEREFORE, be it, and it is hereby ORDAINED by the Board of Supervisors of the Township of Penn, Perry County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

**SECTION I. Short Title.**

This Ordinance shall be known as the “Penn Township Wireless Communications Facilities Ordinance.”

**SECTION II. Purposes and Findings of Fact.**

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

- a. Promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities;
- b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
- c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
- d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable wi-fi and other wireless communications facilities;
- e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;
- f. Protect Township residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and
- g. Update the Township's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

**SECTION III. Definitions.**

Article II, *Definitions*, Section 202, *Specific Words and Phrases*, of the Penn Township Zoning Ordinance is hereby amended as follows:

- A. Delete the definitions of *Communications Antenna*, *Communications Equipment Building*, *Communications Tower*, and *Height of a Communications Tower* from §27-202 of the Township Zoning Ordinance.
- B. Add the following definitions to the "Definitions" section of the Township Zoning Ordinance, §27-202:
  1. *Antenna*—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna

(disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below.

2. *Co-location*— The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles or towers, electrical transmissions towers, water towers or any other structures that can support the placement or installation of wireless telecommunications facilities if approved by the municipality.
3. *Distributed Antenna Systems (DAS)*—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
4. *Emergency*--a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
5. *Equipment Building*—An unmanned building or cabinet containing communications equipment required for the operation of a Tower-Based Wireless Communications Facility or a Non-Tower Wireless Communications Facility
6. *FCC*—Federal Communications Commission.
7. *Height of Tower-Based WCF* — The vertical distance from the ground level to the highest point on a Tower-Based WCF, including antennae mounted to the structure
8. *Monopole*—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.
9. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.
10. *Persons*—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the Township or to any department or agency of the Township.
11. *Right-of-Way or ROW*—the surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility

purposes, but excluding lands other than streets that are owned by the Township. The phrase “in the Right(s)-of-Way” and means in, on, over, along, above and/or under the Right(s)-of-Way.

12. *Stealth Technology*—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
13. *Substantially Change*—(1) any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.
14. *Tower-Based Wireless Communications Facility (Tower-Based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCFs.
15. *Township*—Penn Township, Perry County, PA
16. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
17. *Wireless Communications Facility (WCF)*—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
18. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other Township owned land or property.
19. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Township.