

**ARTICLE VII
COMMERCIAL AND INDUSTRIAL LAND DEVELOPMENT**

701 Commercial and Industrial Subdivision and Land Developments

All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article VII, and any applicable zoning ordinance shall also apply. In addition, the following shall apply:

702 Site Standards

- A. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system
- B. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Commission.

703 General Design

Commercial and industrial development areas shall be designed in accordance with any applicable zoning ordinance and with consideration of site conditions to insure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- F. Developers are strongly encouraged to consider the character, attractiveness, safety and traffic patterns of the area when designing non-residential developments. This is intended to promote optimal use of the land, provide for safe pedestrian traffic as well as vehicular traffic, encourage a sense of community pride in the development, encourage additional commercial growth, and in general benefit the public health, safety and welfare. The developer shall provide drawings that illustrate the final design of the development, and should be willing to discuss any suggestions made by the Planning Commission to further the intent of this section.

704 Lots and Block Layout

704.1 Lots and Density

All developments proposed for commercial or industrial use shall conform to the provisions of this section.

- A. Lot sizes, lot dimensions, and building setbacks shall be governed by any applicable zoning ordinance. In cases where no zoning ordinance applies the following requirements shall apply.
 - 1. Commercial and industrial lots shall be of sufficient area, width and depth to accommodate the proposed land use and all required improvements.
 - 2. Building set-backs shall be required as follows:
 - a. Front - measured from the road right-of-way – 25 feet
 - b. Rear – 20 feet
 - c. Sides - 20 feet

- B. Division of lots by municipal boundaries shall be avoided.
- C. All lots shall front on an approved street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
- D. All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
- F. In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever four (4) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.
- G. All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- H. Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.
- I. No corner lot shall have road frontage of less than one hundred (100) feet.
- J. All corner lots if they are located at the intersection of the rights-of-way of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting right-of-way lines.

704.2 Blocks; Unified Development

A. Blocks

Block layout shall be designed with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall a block length be less than six-hundred (600) feet. Where safety considerations mandate, eight-hundred (800) feet may be required as a minimum.

B. Unified Development

Wherever possible, commercial and industrial parcels, shall include sufficient land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway strip developments be approved. Individual driveways shall not be permitted and interior service roads shall be required.

705 Streets/Roads

Streets and roads in commercial and industrial developments shall comply with the requirements of §603 and shall be classified in accord with the definition of *street* in Article II.

706 Off-Street Parking and Loading, Access and Circulation

706.1 Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets.

The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

706.2 Size and Design of Parking Spaces

Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards (such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook) and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. Each vehicle parking space shall be not less than ten (10) feet wide and twenty (20) feet long and adequate provision shall be made for parking of contractor's vehicles. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

706.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

706.4 Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with local municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.

706.5 Reserved

706.6 Number of Spaces To Be Provided

- A. Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial or industrial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less then the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
 - B. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
 - C. Additional parking for the handicapped shall be provided in accord with §706.16.
 - D. Should the applicant provide evidence that the number of parking spaces required by this §706 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a modification in accord with §1103 provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §706 and the applicant shall agree in writing to install the parking at the direction of the Planning Commission. Reserve parking areas shall be included in the calculation of lot coverage area for stormwater management calculations. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §706.12).
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USE	PARKING SPACES REQUIRED
<p>Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.</p>	
<p>A. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses</p>	<p>3 per every 5 beds</p>
<p>B. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations</p>	<p>1.1 per bedroom</p>
<p>C. Sales and rental of goods, merchandise and equipment</p>	
<p>1. Retail establishments</p>	<p>1 per 200 SFGFA open to the public</p>
<p>2. Wholesale establishments</p>	<p>1 per 800 SFGFA</p>
<p>3. Flea markets</p>	<p>1 per 200 square feet of lot area designated for display or sales</p>
<p>D. Offices, research facilities and services not primarily related to goods</p>	
<p>1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents</p>	<p>1 per 200 SFGFA</p>
<p>2. Drive-in banks</p>	<p>1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window</p>
<p>3. Serving little or few customers or clients on premises, such as corporate offices</p>	<p>1 per 250 SFGFA</p>
<p>4. Funeral homes</p>	<p>1 per 100 SFGFA open to the public</p>
<p>E. Manufacturing, processing, renovating, assembling goods, merchandise and equipment</p>	<p>1 per 600 SFGFA</p>
<p>F. Educational, cultural, religious, social, fraternal uses</p>	
<p>1. Public schools</p>	<p>1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools</p>
<p>2. Trade and vocational schools, colleges</p>	<p>1 per 100 SFGFA open to the public</p>
<p>3. Churches, synagogues and temples</p>	<p>1 per every 4 seats used for services</p>
<p>4. Libraries and museums</p>	<p>1 per 300 SFGFA open to the public</p>
<p>5. Social, fraternal clubs and lodges; and similar uses</p>	<p>1 per 100 SFGFA open to the public</p>

G. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Commercial water craft docking facilities, including such facilities at waterfront marinas	2 per every 3 slips
H. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
I. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
J. Vehicle related uses (See definition of "vehicle" in Article III.)	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
K. Warehousing and storage	1 per 4,000 SFGFA
L. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 100 SFGFA open to the public
<p>Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.</p>	

For uses not specifically provided above, the Planning Commission shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

706.7 Loading and Unloading Areas

A. Areas required

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged for commercial or industrial use to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	40 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	10	20

B. Parking and Loading Separation

Where possible, customer parking and circulation shall be separated from delivery service drives and loading and unloading areas.

706.8 Access To Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

A. Width

Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows and adequate radius shall be provided at the intersection:

WIDTH	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

B. Controlled Access

1. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
2. Entrance and exit lanes shall be separated by dividers or planting islands when traffic volumes are expected to exceed twenty-five (25) vehicles per day.

3. Centerline of the driveway shall be a minimum of thirty-five (35) feet from any side property line and sixty (60) feet if abutting a residential property.
4. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on all plans and shall have the following distances between the centerline of the driveway and the right-of-way line of the nearest intersecting street or road: (Note - Nearest intersection street shall be construed as being on the same or the opposite side of the street on which the tract is located)
 - a. Township or State Roads - 300 feet.
 - b. Collector streets - 200 feet.
 - c. Minor/Marginal Access/Minimum Access Drives - 150 feet.
 - d. Other driveways - 75 feet.
5. Curbing or other adequate barriers shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point(s).
6. In the case of commercial and industrial subdivisions, driveways to individual lots shall not be permitted to have direct access to any municipal, or State Road but shall be limited to interior roads.
7. Grades on driveways shall not exceed eight (8) percent and a leveling area of sixty (60) feet in length with a grade not to exceed four (4) percent shall be provided for all driveways to connecting streets.

C. Highway Occupancy Permit

A Township or State highway occupancy permit, as applicable, shall be required for any new or increased access to any public street or any other regulated activity within the right-of-way.

706.9 Parking and Loading Area Setbacks

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial or industrial use shall be separated from any public road right-of-way or adjoining property lines by a buffer area not less than fifteen (15) feet in width unless adjoining uses share parking in accord with §706.12.

A. Measurement

The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.

B. Uses Prohibited

The buffer area shall be maintained in natural vegetative ground cover and shall not include:

1. Paving except for approved driveway/access way crossings
2. Fences
3. Parking, storage or display of vehicles
4. Items for sale or rent

C. Uses Permitted

The buffer area may include the following: (See also §706.13 Landscaping.)

1. Permitted freestanding signs
 2. Pervious storm water facilities
 3. Approved driveway/access way crossings
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D. Sidewalks

If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking area.

706.10 Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface.

706.11 Off-Lot Parking

Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than four hundred (400) feet from the principal use lot. Off-lot parking areas shall be permitted only in a zoning district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

706.12 Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §706.9. The standards in §706.6 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

706.13 Landscaping

All non-residential improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

A. Buffer Areas

The buffer area between the parking area and the public street required by §706.9 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure. In cases where existing vegetation or topography achieve the intent of this §706.13,A, the requirements of this section may be waived in accord with §1103 of this Ordinance.

B. Parking Lot Interiors

A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.

C. Plants

Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Planning Commission. All plants shall be installed in accord with generally accepted horticultural practices and shall be of a size deemed adequate by the Planning Commission to achieve the intent of this §706.13. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.

D. Plan

A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Planning Commission.

706.14 Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

706.15 Reserved

706.16 Handicapped Parking - Shall be provided in accord with most current Americans with Disabilities Act.

707 Performance Standards

The intent of this §707 is to regulate the site design of commercial and industrial development in the areas of the County governed by this Ordinance and to protect the public health, safety and general welfare. The following standards shall apply to all proposed commercial and industrial subdivisions and land developments.

707.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or industrial use is proposed contiguous to any existing residential use or any residential zoning district the minimum size of the abutting yard shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this §707.1. Storage of equipment, supplies, products or any other materials shall not be permitted in any required front or side setback area.

Landscaped buffers shall be required by the Planning Commission in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the area.

- A. In determining the type and extent of the buffer required, the Planning Commission shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 - B. The width of the required buffer, as determined by the Planning Commission, shall not be less than ten (10) feet.
 - C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
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- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial or industrial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Planning Commission shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Article V. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

707.2 Landscaping

A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Planning Commission. Landscaping shall be considered an improvement for the purposes of guaranteeing installation in accord with the requirements for Article V. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
 - B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
 - C. Plants shall be of a type that is proven successful in the County's climate.
 - D. Where landscaping is required to serve as a buffer (e.g.. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
 - E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
 - F. All unusable areas in and around parking areas shall be landscaped.
 - G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
 - H. Plastic landscape materials shall not be used in place of living vegetation.
 - I. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
 - J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
 - K. All shrubs not used for ground cover shall be at least one (1) gallon in size.
 - L. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
 - M. All landscaping shall be maintained in good growing condition by the property owner.
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707.3 Lighting and Glare

Lighting shall be controlled in both height and intensity; and lighting design shall be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Article V.

A. Areas to be Lighted

All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.

B. Intensity

Maximum on-site lighting levels shall not exceed ten (10) foot-candles, except for loading and unloading platforms where the maximum lighting level shall be twenty (20) foot-candles. Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) shall not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting.

C. Shielding

No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light substantially below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.

D. Glare

No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.

E. Nuisances

The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of adjacent properties.

F. Height

The maximum height of light standards shall not exceed the permitted maximum building height but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for aviation safety nor lights intended solely to illuminate an architectural feature of a building.

707.5 Other Regulations

The Planning Commission may require documentation from the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Protection, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

708 Communications Towers

708.1 General Standards - Site plans for all Communications Towers shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with Articles III, IV, V and VI of these Regulations.

708.2 Location of Towers

A. Necessity of Proposed Location

The communications company shall be required to demonstrate, using technological evidence, that the tower must be located where it is proposed in order to satisfy its function in the company's grid system or coverage diagrams.

B. Co-Location

Co-location on existing towers is preferred. If the communications company proposes to build a tower (as opposed to mounting the communications antenna on an existing structure) the communications company shall provide written evidence demonstrating that co-location with another tower is not technically possible, and that the owners of tall structures within the proposed coverage area have been contacted, and permission was denied, along with the reasons given for denial, other than economic reasons.

C. Placement Below Ridge Line

Every effort shall be made to locate the tower below the ridgeline of mountains and hills while still preserving the site's usefulness.

D. Lease

The applicant shall submit a copy of the lease or other documentation evidencing that the owner of the property approved the siting of the tower and other supporting equipment, and the access provided to the site.

E. Additional Agency's Regulations

The tower shall be subject to any applicable Federal Aviation Administration, Pennsylvania Bureau of Aviation, airport zoning regulations and any other local, state or federal regulations that may apply.

708.3 Site Standards**A. Minimum Lot Area**

The minimum lot area shall be the area needed to accommodate the tower, guy wires (if used), the equipment building, security fence, parking area, and buffer planting if required.

B. Set-back Distance

The tower shall be set-back from adjacent property lines and existing buildings a distance equal to the maximum collapsible fall zone for the proposed tower as specified by a registered engineer responsible for designing the proposed tower, plus 15 feet.

C. Access to the Site

The vehicular access to the tower site shall, wherever feasible, use the existing access currently available on the property. A minimum twenty-foot easement or right of way for access shall be provided to the tower, which is adequate to accommodate maintenance and emergency vehicles.

D. Security Fencing

A eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building. The gate shall be locked at all times when not attended.

E. Lighting and Signage

No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction. In addition, no antennae support structure may be artificially lighted except when required by the Federal Aviation Administration or other governmental agency that has jurisdiction. Any additional lighting shall be shielded and reflected away from adjoining properties.

F. Painting

Communication towers shall be painted in such a way to minimize the visual impact on the surrounding landscape.

708.4 General Design

A. Safety and Building Code Regulations

The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the American National Standards Institute (ANSI), as amended, and other federal, state and local building regulations and accepted industry standards.

B. Additional Use of Tower

In order to reduce the number of antenna support structures needed in a community in the future, any proposed new support structure shall be designed to accommodate other users.

708.5 Abandonment of Use

A. Removal of Tower

The lease required in §708.2,D and proof thereof shall include provisions for removal of the tower in the event that any tower ceases to be used as a communication facility. Such statement shall include, "*The current owner and/or operator of the tower or the current owner of the land on which the tower is located at the time the tower ceases to be used as a communications tower shall be required to remove the same within one (1) year from the abandonment of use.*"

B. Municipal Lien

In addition, the County may file a municipal lien against the land to recover the cost of removal of the tower and any attorney's fees.

709 Wind Energy Facilities

709.1 Purpose

The purpose of this Section is to provide for the development, construction, operation and decommissioning of Wind Energy Facilities in the County, subject to reasonable conditions that will protect the public health, safety and welfare.

709.2 Definitions Specific to Wind Energy Facilities

FACILITY OWNER - the entity or entities having an equity interest in the Wind Energy facility, including their respective successors and assign

OPERATOR - the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

HUB HEIGHT - the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

OCCUPIED BUILDING - a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the land development application is submitted.

TURBINE HEIGHT - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WIND TURBINE - a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WIND ENERGY FACILITY - an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

NON-PARTICIPATING LANDOWNER - any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

709.3 Applicability

This Section applies to all land development plans which provide for Wind Energy Facilities to be constructed after the effective date of the Ordinance, except that this Section is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Section; provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall comply with the provisions of this Section.

709.4 General Standards

Site plans for all Wind Energy Facilities shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with Articles III, IV, V and VI of these Regulations.

709.5 Plan Requirements

The land development plan shall contain the following, in addition to the other applicable provisions of these regulations.

- A. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - B. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
 - C. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
 - D. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - E. Documents related to decommissioning, including a schedule for the decommissioning and financing security.
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F. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Planning Commission to ensure compliance with this Chapter.

709.6 Design and Installation

A. Uniform Construction Code

To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

B. Design Safety Certification

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

C. Controls and Brakes

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

D. Electrical Components

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

E. Visual Appearance; Power Lines

1. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
2. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
3. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
4. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

F. Warnings

1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

G. Climb Prevention/Locks

1. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
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2. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons

709.7 Setbacks

A. Occupied Buildings

1. Wind Turbines shall be set back from the nearest Occupied Building a distance not less than the greater of the maximum setback requirements of any applicable zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
2. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

B. Property lines

All Wind Turbines shall be set back from the nearest property line a distance of not less than the greater of the maximum setback requirements of any applicable zoning classification where the turbine is located or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

C. Public roads

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

709.8 Waiver of Setbacks

- A. Upon request, the Planning Commission may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.
- B. The governing body may take into consideration the support or opposition of adjacent property owners in granting waivers of setback requirements hereunder.

709.9 Use of Public Roads

- A. The Applicant shall identify all state and local public roads to be used within the County to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
 - B. The Planning Commission's engineer or a qualified third party engineer hired by the Planning Commission and paid for by the Applicant shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
 - C. The local municipality may require that the developer bond the road in compliance with state and local regulations.
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D. Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.

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

709.10 Local Emergency Services

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

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

709.11 Noise and Shadow Flicker

A. Audible sound from a Wind Energy Facility shall not exceed fifty (50) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*. The Planning Commission may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

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

C. The governing body may take into consideration the support or opposition of adjacent property owners on granting waivers of noise and shadow flicker restrictions.

709.12 Signal Interference

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

709.13 Liability Insurance

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

709.14 Decommissioning

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

B. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the

access roads or other land surface areas not be restored.

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

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

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

G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Section 709.14,A then the landowner shall have six (6) months to complete decommissioning.

H. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Sections 709.14,A and G the County may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the County may take such action as necessary to implement the decommissioning plan.

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

709.15 Public Inquiries and Complaints

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

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