HAZLE TOWNSHIP
LUZERNE COUNTY
PENNSYLVANIA

2003

ZONING ORDINANCE

2003 – 1 – 6 – 1

As Amended and Adopted by the Hazle Township Supervisors March 10, 2020

HAZLE TOWNSHIP ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE 1 – GENERAL PROVISIONS

SECTION		PAGE
101	TITLE	1-1
102	PURPOSE	1-1
103	COMMUNITY DEVELOPMENT OBJECTIVES	1-2
104	COMPLIANCE WITH ORDINANCE REQUIRED	1-3
105	SEVERABILITY	1-3
106	REPEALER	1-3
107	EFFECTIVE DATE	1-3

ARTICLE 2 – DEFINITIONS

SECTION		
201	APPLICATION AND INTERPRETATION	2-1
202	DEFINITION OF TERMS	2-2 TO 2-23

ARTICLE 3 – GENERAL REGULATIONS

SECTION		
301	ATTACHED ACCESSORY STUCTURES	3-1
302	UNATTACHED ACCESSORY STRUCTURES	3-1
303	CORNER LOT RESTRICTION	3-1
304	TYPES OF RESIDENTIAL ACCESSORY STRUCTURES	3-1
305	NON-COMMERCIAL SATELLITE ANTENNA	3-2
306	RESIDENTIAL ACCESSORY STRUCTURES IN A NON-RES. DIST.	3-2
307	PRIVATE NON-COMMERCIAL SWIMMING POOLS	3-2
308	LOTS DIVIDED BY ZONING BOUNDARIES	3-3
309	PROJECTIONS INTO REQUIRED YARDS	3-3
310	EXCEPTIONS TO HEIGHT LIMITATIONS	3-3
311	ENCLOSURES-EXEMPTIONS FROM YARD REQUIREMENTS	3-4
312	REQUIRED ACCESS	3-4
313	VISIBILITY AT INTERSECTIONS AND PRIVATE DRIVEWAYS	3-4
314	FENCES AND WALLS	3-4
315	PUBLIC UTILITIES	3-5
316	SEWAGE DISPOSAL	3-5
317	EXEMPTIONS TO CERTAIN SIDE YARD SETBACKS	3-5

ARTICLE 4 – MAP AND ZONING DISTRICTS

SECTION		
401	OFFICIAL ZONING MAP	4-1
402	CHANGES TO OFFICIAL ZONING MAP	4-1

SECTION

403	INTERPRETATION OF BOUNDARIES	4-1
404	CLASSES OF ZONING DISTRICTS	4-2

ARTICLE 5 – ZONING DISTRICT REGULATIONS

SECTION

501	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	5-1
502	R-2 MULTI-FAMILY RESIDENTIAL DISTRICT	5-3
503	B-1 NEIGHBORHOOD COMMERCIAL & SHOPPING CENTER DIST.	5-6
504	B-2 GENERAL COMMERCIAL DISTRICT	5-9
505	I-1 INDUSTRIAL DISTRICT	5-13
506	I-2 HEAVY INDUSTRIAL DISTRICT	5-16
507	M-1 MINING DISTRICT	5-19
508	C-1 CONSERVATION DISTRICT	5-21
509	BP BUSINESS PARK	5-23
510	HOD HEALTH CARE OVERLAY DISTRICT	5-25

ARTICLE 6 – SPECIAL EXCEPTIONS

SECTION

601	PURPOSE	6-1
602	GENERAL PROVISIONS	6-1
603	SITE PLAN	6-1
604	GENERAL STANDARDS	6-2
605	STUDIES	6-3

ARTICLE 7 – PLANNED RESIDENTIAL DEVELOPMENTS

SECTION

701	PURPOSE	7-1
702	VESTED AUTHORITY	7-1
703	ELIGIBILITY REQUIREMENTS	7-1
704	USE REGULATIONS	7-2
705	LAND USE DENSITY REGULATIONS	7-3
706	DIMENSIONAL REGULATIONS	7-5
707	COMMON OPEN SPACE & GREENWAYS	7-6
708	STREETS, SEWER & WATER UTILITIES, STORM WATER UTILITIES, STORM DRAINAGE AND SOIL AND EROSION CONTROL, CURBS AND GUTTERS AND SIDEWALKS	7-10
709	TREE CONSERVATION AND LANDSCAPING	7-10
710	OWNERSHIP, MAINTENANCE AND PRESERVATION OF COMMON OPEN SPACE	7-11
711	DEVELOPMENT IN STAGES	7-12
712	PROCEDURAL REQUIREMENTS FOR TENTATIVE APPROVAL	7-12
713	PUBLIC HEARINGS	7-13
714	FINDINGS	7-13
715	STATUS OF PLAN AFTER TENTATIVE APPROVAL	7-14
716	PROCEDURAL REQUIREMENTS	7-15
717	GUARANTEE OF IMPROVEMENTS	7-16
718	MODIFICATION OF DESIGN REQUIREMENTS	7-17

ARTICLE 8 – SUPPLEMENTAL REGULATIONS

SECTION		PAGE
801	PURPOSE AND INTENT	8-1
802	USE REGULATIONS	8-1 TO 8-27

ARTICLE 9 NON CONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

SECTION		PAGE
901	INTENT	9-1
902	NONCORMING LOTS OF RECORD	9-1
903	CONTINUATION OF NONCONFORMITY	9-1
904	REGISTRATION OF NONCONFORMING USES AND STRUCTURES	9-1
905	CHANGES OF NONCONFORMING USES	9-2
906	ENLARGEMENT OF NONCONFORMING USES AND STRUCTURES	9-2
907	RESTORATION OF USE	9-3
908	TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE	9-3
909	CERTIFICATE OF INTENTION FOR A NONCONFORMING USE	9-4

ARTICLE 10 – SIGN REGULATIONS

SECTION		
1001	SIGNS	10-1
1002	CONSTRUCTION TYPES	10-2
1003	PERMITTED SIGNS BY ZONING DISTRICT	10-2
1004	AREA, HEIGHT AND SET BACK REQUIREMENT	10-3
1005	NUMBER OF SIGNS	10-5
1006	SETBACK FOR FREESTANDING SIGNS	10-5
1007	SIGNS RELATED TO NONCONFORMING USES	10-5
1008	AREA COMPUTATION OF SIGNS	10-5
1009	VERTICAL CLEARANCE	10-6
1010	PROHIBITED SIGNS	10-6
1011	PERMITS REQUIRED	10-6

ARTICLE 11 – OFF STREET LOADING AND PARKING

SECTION		PAGE
1101	PURPOSE	11-1
1102	SIZE OF OFF-STREET PARKING SPACES	11-1
1103	SIZE OF OFF STREET LOADING SPACES	11-1
1104	DIMENSIONS AND DESIGN	11-1
1105	WIDTH OF ACCESS DRIVEWAYS	11-2
1106	NUMBER AND LOCATION OF ACCESS DRIVEWAYS	11-2
1107	LOCATION OF OFF STREET PARKING	11-2
1108	EXPANSION OF EXISTING USE	11-3
1109	CHANGE OF USE	11-3
1110	GRADING, PAVEMENT & DRAINAGE OF OFF STREET PARKING AREAS	11-3
1111	SCREENING	11-3
1112	LIGHTING	11-3
1113	PARKING IN SETBACK AREAS	11-3
1114	EXISTING STRUCTURES AND USES	11-4
1115	FRACTIONAL SPACES	11-4

SECTION		PAGE
1116	MULTIPLE ACTIVITIES OR USES	11-4
1117	OFF STREET PARKING REQUIREMENTS	11-4
1118	PARKING FOR OTHER NONRESIDENTIAL USES	11-7
1119	OFF STREET LOADING REQUIREMENTS	11-7
1120	PROVISIONS OF HANDICAPPED PARKING SPACES	11-7
1121	DESIGN FEATURES FOR HANDICAPPED PARKING SPACES	11-8
1122	SIGNAGE FOR HANDICAPPED PARKING SPACES	11-8
1123	MINIMUM NUMBER OF HANDICAPPED PARKING SPACES	11-9

ARTICLE 12 – ENFORCEMENT AND ADMINISTRATION

SECTION		PAGE
1201	ZONING OFFICER	12-1
1202	ZONING PERMIT	12-2
1203	CERTIFICATE OF ZONING COMPLIANCE	12-3
1204	ENFORCEMENT PROCEDURES	12-4
1205	SCHEDULE OF FEES CHARGES AND EXPENSES	12-6

ARTICLE 13 – AMENDMENTS

SECTION		PAGE
1301	AMENDMENT PROCEDURE	13-1
1302	APPLICATIONS FOR AMENDMENTS TO THE TEXT OR MAP	13-2
1303	CURATIVE AMENDMENTS	13-3
1304	ENACTMENT OF AMENDMENTS	13-5
1305	NOTIFICATION TO COUNTY	13-5

ARTICLE 14 – ZONING HEARING BOARD

SECTION		PAGE
1401	MEMBERSHIP OF THE BOARD	14-1
1402	REMOVAL OF MEMBERS	14-1
1403	ORGANIZATION OF THE BOARD	14-1
1405	EXPENDITURES FOR SERVICE	14-1
1406	HEARINGS	14-1
1407	MEDIATION OPTION	14-4
1408	JURISDICTION OF THE ZONING HEARING BOARD	14-5
1409	VARIANCES	14-6
1410	SPECIAL EXCEPTIONS	14-7
1411	PARTIES APPELLANT BEFORE THE BOARD	14-8
1412	TIME LIMITATIONS	14-9
1413	STAY OF PROCEEDINGS	14-9

ARTICLE 15 – APPEALS

SECTION		PAGE
1501	APPEALS TO COURT	15-1

ARTICLE 16 – AIRPORT HAZARD AND ZONING REGULATIONS

SECTION		PAGE
1601	DESCRIPTION	16-1
1602	DECLARATION OF POLICY	16-1
1603	GENERAL DEFINITIONS	16-2
1604	AIRPORT SURFACE ZONES	16-4
1605	AIRPORT SURFACE ZONE HEIGHT LIMITATIONS	16-5
1606	AIRPORT ZONING REQUIREMENTS	16-7
1607	PERMITS AND VARIANCES	16-7
1608	ENFORCEMENT/NOTICE	16-9
1609	ZONING HEARING BOARD	16-9
1610	JOINT AIRPORT ZONING BOARD	16-10
1611	APPEALS	16-10
1612	ACQUISITION OF AIR RIGHTS	16-10
1613	RELATION TO OTHER ZONING REGULATIONS	16-11
1614	JUDICIAL REVIEW	16-11
1615	SEVERABILITY	16-11
1616	INTERPRETATION OF LANGUAGE AND CAPTIONS	16-11
1617	PENALTIES	16-12
1618	ADOPTION AND AMENDMENT OF ORDINANCE	16-12

ARTICLE 17 – SOLAR ENERGY SYSTEM ORDINANCE

SECTION		PAGE
1701	TITLE	17-1
1702	INTENT AND SCOPE OF REGULATIONS	17-1
1703	DEFINITIONS	17-1
1704	APPLICABILITY	17-5
1705	PERMITTED USES	17-5
1706	SPECIAL EXCEPTIONS	17-5
1707	PERMIT REQUIREMENT AND APPLICATION	17-5
1708	DESIGN, INSTALLATION, REVIEW CRITERIA, CERTIFICATION AND COMPLIANCE	17-6
1709	SETBACKS, RESTRICTIONS AND EASEMENTS	17-7
1710	SITE PLAN AND SAFETY REQUIREMENTS	17-8
1711	NATURAL RESOURCES AND HISTORIC SITES	17-11
1712	SOLAR ENERGY SYSTEM, AS A SECOND PRINCIPAL USE	17-11
1713	MINIMUM LOT SIZE	17-12
1714	PARKING	17-12
1715	LICENSES: OTHER REGULATINS	17-12
1716	LIABILITY INSURANCE	17-12
1717	LANDSCAPING	17-12
1718	SOIL EROSION AND SEDIMENTATIN CONTROL; STORMWATER MGMT	17-12
1719	FIRE CONTROL/LOCAL EMERGENCY SERVICES	17-13
1720	SOLAR ACCESS	17-13
1721	SEVERABILITY	17-13
1722	COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS	17-13
1723	FEES	17-13
1724	REMEDIES	17-13

ARTICLE 18 – WIND ENERGY FACILITY ORDINANCE

SECTION		PAGE
1801	TITLE	18-1
1802	INTENT AND SCOPE OF REGULATIONS	18-1
1803	DEFINITIONS	18-1
1804	APPLICABILITY	18-4
1805	TEMPORARY USES	18-4
1806	PERMIT REQUIREMENTS	18-4
1807	SPECIAL EXCEPTIONS – SSMWET AND STMWET	18-5
1808	SPECIAL EXCEPTIONS – MWET AND LWET	18-11
1809	NATURAL RESOURCES AND HISTORIC SITES	18-22
1810	WIND ENERGY FACILITY AS A SECOND PRINCIPAL USE	18-22
1811	MINIMUM LOT SIZE	18-22
1812	PARKING	18-22
1813	LICENSES; OTHER REGULATIONS	18-23
1814	LIABILITY INSURANCE	18-23
1815	LANDSCAPING	18-23
1816	SOIL EROSION AND SEDIMENTATION CONTROL; STOMWATER MANAGEMENT	18-23
1817	FIRE CONTROL/LOCAL EMERGENCY SERVICES	18-23

ARTICLE 19 – OUTDOOR WOOD-FIRED BOILER ORDINANCE

SECTION		PAGE
19-1	TITLE	19-1
19-2	APPLICABILITY	19-1
19-3	REGULATIONS	19-1
19-4	ENFORCEMENT ORDERS	19-3
19-5	RESPONSIBILITY OF OWNERS AND OPERA	19-4
19-6	TORS CIVIL PENALTIES	19-4
19-7	UNLAWFUL CONDUCT	19-6
19-8	PUBLIC NUISANCES	19-6
19-9	REPEALER	19-6
19-10	VALIDITY	19-6

Article 20- WIRELESS COMMUNICATION FACILITIES

SECTION		PAGE
20-1	TITLE	20-1
20-2	DEFINITIONS	20-2
20-3	PERMITTED AND PROHIBITED ZONING DISTRICTS	20-5
20-4	BULK & AREA REQUIREMENTS	20-6
20-5	DESIGN, CONSTRUCTION & OPERATIONS	20-6
20-6	ASTHETICS, LANDSCAPING, & SCREENING	20-9
20-7	REPLACEMENT, COLLOCATION, or MODIFICATION	20-9
20-8	PERMIT REQUIREMENTS	20-9
20-9	DISCONTINUATION, ABANDONMENT &	20-10
20-10	REMOVAL SEVERABILITY	20-11
20-11	EFFECTIVE DATE	20-11

ARTICLE 1 GENERAL

PROVISIONS

SECTION 101 TITLE

This Ordinance shall be known and may be cited as "The Hazle Township Zoning Ordinance."

SECTION 102 PURPOSE

A. To promote, protect and facilitate one or more of the following; the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency management preparedness, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and the conservation and wise use of natural resources.

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

D. To provide for the use of land within the municipality for residential housing housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided however, that the zoning ordinance shall not be deemed invalid for the failure to provide any other specific dwelling type.

E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 103 COMMUNITY OBJECTIVES

The enactment of this Ordinance is intended to assist in achieving the following goals and objectives:

A. To maintain existing patterns of moderate density development and urban/suburban character of the township while allowing for new growth and development.

B. To insure the use of land within the township is capable of providing for sufficient development of residential, commercial, industrial and public uses to meet the needs of the Township in proper locations in relationship to available infrastructure.

C. To preserve environmental areas of scenic and natural beauty and environmentally sensitive areas from intensive or inappropriate development.

D. To examine all proposed developments in relationship to its potential impact upon environmental resources and to avoid all forms of pollution within the Township and region.

E. To promote the reclamation of former mining sites and mined scarred land for new commercial and industrial growth.

F. To provide for a variety of housing types to satisfy diverse housing markets, including those for the elderly, single persons, handicapped individuals and couples without children.

G. To have development proposals reviewed with consideration given to soils, topography, environmental factors, road access and the provision of proper public utilities.

H. To identify any recreational needs of the township and to locate any needed facilities in coordination with existing or planned regional, County or State Parks to foster a balanced recreational system.

I. To provide an adequate transportation system for the safe movement of people and goods within all sectors of the Township and areas beyond the Township, with through traffic separated to the greatest extent possible from local neighborhood traffic.

J. To provide commercial development in selected areas in accordance to the market needs of the township and surrounding areas.

K. To insure all new development provides adequate measures to control storm drainage and soils erosion and sedimentation.

L. To periodically review the scope and provision of community and public services and facilities, with the intent to improve and expand such services and facilities as needed within the fiscal means and limitations of the Township.

M. To continue to promote recycling measures within the township.

N. To coordinate Township plans and programs with County, State and Federal plans, policies and programs with the intent of seeking such Governmental funding when applicable to the Township's plans.

O. To continue to cooperate with other adjoining municipalities on intergovernmental issues of mutual concern.

P. To continue to conduct municipal affairs in an efficient, economical and fair manner for the welfare of all citizens and to be committed to professional planning within the administration and governing of the Township.

SECTION 104 COMPLIANCE WITH ORDINANCE REQUIRED

Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted, altered or moved except in conformity with the regulations herein specified for the zoning district in which it is located.

SECTION 105 SEVERABILITY

If any article, section, subsection, paragraph sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent Jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 106 REPEALER

The Hazle Township Zoning Ordinance of 1965 and Zoning Map, as amended, are hereby repealed. All other ordinance, or part thereof, which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. Structures, purposes or uses for which permits and/or certificates of occupancy have been issued under the above Ordinances are excepted and shall continue in effect and be lawful under this Ordinance.

SECTIO 107 EFFECTIVE DATE

This Zoning Ordinance and Zoning Map shall take effect from and after its approval and adoption as provided by law.

ENACTED AND ORDAINED BY THE TOWNSHIP COUNCIL OF HAZLE TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, THIS ____ DAY OF 2003.

Chairman of the Board of Supervisors

ATTEST:

Township Secretary

ARTICLE 2

DEFINITIONS

SECTION 201 APPLICATION AND INTERPRETATION

The definition of words included herein are provided to facilitate the interpretation of this Ordinance for administrative and enforcement purposes. Unless expressly stated otherwise, within the context of the ordinance, the following shall apply:

1. Words used in the present tense shall include the future tense.
2. The word "person" shall include a profit or nonprofit corporation, company, partnership, individual or single proprietorship.
3. The words "used" or "occupied" as applied to any land or building shall include the Words "intended", "arranged", or "designed" to be used or occupied.
4. The word "building" shall include "part thereof and "structure".
5. The word "lot" shall include "plot" or "parcel".
6. The word "shall" is always mandatory.
7. The singular number shall include the plural, and the plural singular.
8. The masculine gender shall include the feminine and neuter.
9. The word "street" shall include "road", "highway", and "lane".

SECTION 202 DEFINITIONS OF TERMS

For the purpose of the Ordinance, the following words, terms, and phrases have the meaning indicated herein:

ABANDONMENT:
To cease or discontinue a use or activity without intent to resume for a period of two (2) continuous years, but, in any event excluding from such a period temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining , business interruption or otherwise improving or rearranging a facility subject to completion of work.

ABUTTING:
Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

ACCESS:
A way or means of approach to provide physical ingress and/or egress to a property.

ACCESSORY STRUCTURE:
A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE:
A use incidental to, and on the same lot as, a principal use.

ADULT USES:

Adult Bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Entertainment: A nightclub, bar, restaurant, club or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include and athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Specified Anatomical Areas: As used herein, specified anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: As herein, specified sexual activities means and includes any of the following: (1) the fondling of other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulate; or (4) excretory functions as part of or in connection with any of the activities set forth as an "Adult Use".

AGRICULTURE:
The use of land for agricultural purposes including: farming, dairying, forestry, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for farm homes and packing, treating, or storing produce; provided however that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and further provided that the above uses shall not include commercial hog farms, fur farms, or fertilizer plants.

ALLEY:
A public right-of-way intended and/or used as a secondary means of access to abutting property.

ALTERATION:
Any change, addition, or modification in construction or occupancy of an existing structure.

ALTERATION, STRUCTURAL
Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

ALTERNATIVE ENERGY FACILITIES:
Equipment or methodology used to generate energy from alternative sources such as, but not limited to, wind, solar, water, geo-thermal or composting See section 5 Zoning District Regulations for requirements in individual zones.

AMENDMENT:
A change in the regulations and provisions of the Hazle Township Zoning Ordinance, including changes to boundaries of Zoning Districts as provided upon the Zoning Map.

ANIMAL HOSPITAL/CLINIC:
A building used for medical treatment of small domestic animals by a veterinarian, with short-term housing or boarding incidental to the hospital/clinic use.

ANIMAL KENNEL:
Any lot, premises, building, or combination thereof on which four (4) or more dogs or cats or both at least six (6) months of age are kept, boarded, or trained for commercial purposes.

ANTENNA, COMMERCIAL
See Article 20 of this Ordinance.

ANTENNA SUPPORT STRUCTURE, COMMERCIAL:
See Article 20 of this Ordinance.

APARTMENTS: (See Multiple Dwelling Units)

AUTOMOBILE WRECKING YARD: (SEE ALSO JUNKYARDS) The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

AUTOMOTIVE SALES:
The use of any building, structure or land, other than a street, for the display and sale or rental of motor vehicles, which are in operable condition. The owner/operator of this business must have a valid state license for the sale or rental of such motor vehicles. Any related repair shall be conducted within an enclosed building and shall be an accessory use.

BASEMENT:
That portion of a building used for habitation that is partly or completely below grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is five (5) feet or greater.

BOARDING HOUSE OR ROOMING HOUSE:
A structure or portion thereof which contains rooming units which are rented or leased, with the occupants of said units being non-transient, and utilizing said location as a legal place of residence. The term "Boarding House or Rooming House," shall specifically exclude the following:

Dwelling	Dwelling Unit
Motel and/or Hotel	Group Residence

BUFFER AREA
A method of improvements designed to separate and substantially obstruct the view of two adjacent land uses or properties from one another. For the purpose of this Ordinance when a buffer area is required it shall be deemed represent a fence or stone wall with cork fitting, eight (8) feet in height with two staggered rows of evergreen trees planted in front of the fence with the spacing distance between trees not less than eight feet or greater that ten (10) feet. Said trees shall be not less than eight (8') feet in height at the time of planting.

BUILDING:
Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, or property.

Building Accessory: A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

Building Coverage: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

Building Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Height: The vertical distance of a building measure from the average elevation of the proposed finished grade within twenty (20) feet of the structure to the highest point of the roof for flat roofs: to the deck line of mansard roofs and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

BUSINESS PARK:
An area organized and laid out in accordance with an overall plan for a community of businesses or commercial uses including the servicing of these entities which is designed to insure compatibility between the operations in the business park and the surrounding area through such devices as landscaping, architectural controls, design guidelines, setbacks and use requirements.

CARPORT:
A roofed structure opened on two (2) or more sides and used for the storage of private motor vehicles. It may be constructed as a separate accessory structure or part of the principal structure.

CAR WASH:
An area of land and/or structure with machine – or hand –operated facilities used principally for the interior and/or exterior cleaning, washing, polishing or waxing of motor vehicles.

CELLAR:
The portion of any building, used as non-inhabitable space, which is located partly underground, but having one-half or more of its height, measured from finished floor grade to finished ceiling, below the average grade of the adjoining land. A cellar shall not be counted as a story for the purposes of administering height regulations of this Ordinance.

CEMETARY:
Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATION OF ZONING COMPLIANCE:
The certificate (sometimes called "occupancy permit") issued by the Zoning Officer or his/her designee after an agent of the township has inspected any structure, building, sign and/or land or portion thereof for which a zoning permit was issued in order to determine compliance with the terms of the permit and the zoning ordinance before the structure, building, sign, and/or land or portion thereof can be lawfully used and/or occupied.

CHANGE OF USE:
Any use which differs from the previous use of a building, structure or land.

CHURCH: (SEE PLACE OF WORSHIP)

CLEAR SITE TRIANGLE:
An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the "corner" so as not to interfere with traffic visibility across the comer.

CLINICS MEDICAL/ METHADONE: (SEE MEDICAL CLINICS)

CHILD CARE FACILITY:

"Child Care Services" means the provision of out-of-home care for children for part of a 24 hour day, excluding the care provided by relatives.

"Group Child Care Home" means a structure in which child care services are provided for seven (7) or more children at any one time, where the child care areas within the structure are not jointly used as a portion of a family residence.

"Family Child Care Center" means a residential structure in which child care services are provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are also used as a portion of a family residence.

CLUB:
Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

COMMON OPEN SPACE:
A parcel or parcels of land , which may include an area of water, within a development site and designated and intended for the use or enjoyment of residents of a planned residential development, exclusive of streets, off-street parking areas and areas set aside for public facilities.

COMMERIAL USE:
An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMUNITY CENTER:
A place, structure, area, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

CONDOMINIUM:
A building or group of buildings, in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONTRACTORS STORAGE:
A lot, building, or part thereof, used to store materials used by a contractor in the construction of a road, highway, structure or building, landscaping or utilities.

CONVENIENCE STORE:
Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same.

CONVENIENCE STORE WITH GAS SALES:
Any retail establishment offering for sale prepackaged food products, household item and other goods commonly associated with the same, along with the retail sales of gasoline and related fuel products.

COUNTY PLANNING COMMISSION: The Planning Commission of Luzerne County

DAY CARE SERVICES:
The provision of out-of-home care for children or adults for part of a 24-hour day, excluding the care provided by relatives and licensed as such by the State.

DAY CARE FACILITY:
A facility for the provision of out-of-home care for children or adults for part of a 24-hour day, excluding the care provided by relatives and licensed as such by the State.

DAY CARE CENTER:
A structure in which child or adult care services are provided for seven (7) or more persons at any one time, where the child or adult care areas within the structure are not jointly used as a portion of a family residence.

DAY CARE HOME:
Means a residential structure in which care services are provided for six (6) or more persons at any one time, where the care areas are also used as a portion of a family residence.

DENSITY:
The number of dwelling units permitted per net unit of land.

DECISION:
Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be subject to appeal to the Court of Common Pleas of Luzerne County.

DEVELOPMENT:
Any man-mad improvements to improved or unimproved real estate. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure.

DETERMINATION:
Final action by an officer, body or agency charged with the administration of any land use ordinance or application thereunder, except the following:

1. the governing body;
2. the zoning hearing board; or

3. the planning department, only if and to the extent the planning department is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations may be appealed only to the boards designated as having jurisdiction for such appeal.

DISTRICT: (See Zoning District)

DWELLING:
One or more rooms, designed occupied or intended for occupancy as a separated living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

A. DWELLING, SINGLE-FAMILY: A detached building arranged or used for occupancy by one (1) family.

B. DWELLING TWO FAMILY: A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to common cellar. Lot width and minimum area may be combined for vertical separation if individually deeded.

C. DWELLING, MULTIPLE (APARTMENTS): A single building containing three or more dwelling units entirely separated by vertical walls or horizontal floors, unpierced except by access to the outside or to a common cellar.

DWELLING UNIT:
One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by the family residing therein.

EASEMENT:
A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ENTERTAINMENT FACILITIES:
Commercial establishments engaged in providing entertainment for a fee or an admission charge, such as an arcade, bowling alley, billiard hall, roller skating rink or similar facilities.

EXCAVATION OF NATURAL RESOURCES AND MINERALS: Removal or recovery by any means whatsoever of coal, coal-by-products, soil, sand, rock, minerals, mineral substances or organic substances, oil, gas and/or other substances, other than vegetation from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged,

FAMILY:
One or more persons related by blood, marriage or legal adoption OR a group not in excess of three (3) persons occupying a dwelling unit and living together as a single nonprofit housekeeping unit. Foster children place into the care and custody of a family shall be deemed to be a member of the family.

FARM ANIMALS:
Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories; large animals, e.g., horses and cattle, medium animals, e.g., sheep, pigs and goats; or small animals, e.g., chickens, turkeys, pheasants, geese and ducks.

FENCE:
Any structure functioning as a boundary or barrier constructed of materials recognized by the fencing industry including any and all hedges, shrubbery or vegetation in which each plant is closely adjacent or contiguous to each other so as to act as a solid barrier and/or having no separation greater than one (1) foot.

FLOOD:
1% Flood: The flood that has a 1% chance of being equaled or exceeded each year. (Formerly called the 100 Year Flood)

FLOODPLAIN:
A relatively flat or low land area which is subject to partial or complete inundation from and adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface water from any source.

FLOODPROOFING:
Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to property, structures and contents of building.

FLOODWAY:
The channel of a river, stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the 1% flood within cumulatively increasing the water surface elevation more than one foot at any point.

FLOOR AREA, GROSS:
The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA RATIO:
Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FRONTAGE:
The length of any one property line of a premises, which property line abuts a legally accessible street right-or-way.

FUNERAL HOME:
A building or part thereof used for human funeral services. Such building may contain space and facilities for; (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies and (d) the storage of funeral vehicles, but shall not include facilities for cremation.

GARGE: PRIVATE:
A noncommercial building for the private use of the owner or occupant of a principal building, situated on the same lot of the principal building, for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARGE; REPAIR: (SEE ALSO SERVICE STATION)
A commercial building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

GARDEN APARTMENT'S:
Two (2) or more multi-family residential structures, each containing more than two (2) but not more than eight (8) dwelling units, having a common hallway for entrance into such dwelling units.

GASOLINE SERVICE STATION:
A building or premises or portion thereof, used for the retail sale of gasoline, oil or other fuel, automotive parts, supplies or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles, but not including liquefied petroleum gas distribution facilities.

GENERAL NUISANCE:
Any use considered to be substantially inconsistent with the public comfort, convenience, health, safety and general welfare, including the following; fire and explosion hazard; electrical and radioactive disturbances; noise and vibration; dust, dirt and fly ash; glare; smoke and odors; and other forms of air pollution.

GOVERNING BODY:
The Board of Supervisors of Hazle Township, Luzerne County Pennsylvania.

GROUP RESIDENCE:
A dwelling unit which is shared under congregate living arrangements by more than four (4) persons, who are residents of the dwelling unit by virtue of their need to receive

supervised services limited to health, social and/or rehabilitative services provided by a person or persons or their licensed or certified agents, a governmental agency or their licensed or certified agents, a responsible corporation or their licensed or certified agents, a partnership or limited partnership or their licensed or certified agents or any other legal entity. Such services shall be provided on a continuous basis in a family-like environment to persons who are in need of supervision and/or specialized services in a residential setting. The following shall not be deemed to constitute a Group Residence:

A boarding home and/or personal care boarding home.
A facility providing shelter and/or rehabilitative care or treatment of persons for alcoholism and/or an addiction to a controlled substance.

A facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.

HAZARDOUS SUBSTANCES:
Any material that, by reason of its quantity, concentration or physical, chemical or infectious characteristics may:

1. Cause, or significantly contribute to, an increase in mortality or an increase in a serious irreversible or incapacitating reversible illness.

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

This definition shall be deemed to include radioactive material and medical waste.

HEALTH/RECREATION FACILITY:
An indoor facility including uses such as game courts, exercise equipment, locker rooms, and related facilities.

HIGHWAY OCCUPANCY PERMIT:
A permit, issued by the Pennsylvania Department of Transportation, the Luzerne County Road and Bridge Department or Hazle Township which authorizes accesss from a parcel of land onto a highway, road or street which is under the respective jurisdiction of the above entities.

HEIGHT:
The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and of the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building not more than 10 feet from the front lot line or from the grade in all other cases.

HEIGHT OF ANTENNA SUPPORT STRUCTURE. COMMERCIAL;
The vertical distance measure from the base of the antenna support structure to the highest point of the structure. If the support structure is located on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

HOME OCCUPATION:
An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL:
An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice.

HOTEL: (SEE ALSO MOTEL)
A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities.

IMPERVIOUS MATERIAL:
Any material and/or development that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces shall include, but may not be limited to, buildings, roofs, surfaced, graveled or compacted parking areas, streets, sidewalks, driveways and similar vehicular and/or pedestrian right-of-ways.

IMPROVEMENTS:
Man-made physical additions, alterations and/or changes to buildings or other structures which become part of, place upon, or affixed to real estate.

INDUSTRY; HEAVY:
A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY; LIGHT:
A use engaged in the manufacture; predominantly from previously prepared materials, of finished products or parts, including processing fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

INSTITUTIONAL USE:
A structure or facility which provides medical, health, educational, social and/or rehabilitative services to more than eight (8) persons on a continuous and/or regular basis, excluding a facility for persons released from or under the jurisdiction of a governmental bureau of corrections or similar institution.

JUNK:
Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and part thereof.

JUNKYARD:
An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. An automobile wrecking yard is also considered a junkyard.

LANDOWNER:
The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a propriety interest in land.

LOT:
A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, for principal and accessory buildings or structures.

LOT AREA:
The total horizontal area within the lot lines of a lot.

LOT, CORNER:
A lot abutting on and at the intersection of two (2) or more streets.

LOT COVERAGE:
Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings and structures, by the gross area of that lot.

LOT DEPTH:
The average horizontal distance between the front and rear lot lines.

LOT LINE:
A line dividing one lot from another lot or from a street or alley.

LOT LINE, REAR:
The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have rear lot line.

LOT LINE, SIDE
Any lot line not a front or rear lot line.

LOT OF RECORD:
A lot which exists as shown or described upon a plat or deed and duly recorded in the Office of the Recorder of Deeds of Luzerne County, Pennsylvania, on the effective date of the adoption of this Ordinance.

LOT THROUGH:
A lot having its front and rear yards each abutting on a street.

LOT WIDTH:
The horizontal distance between side lot lines, measured at the required front setback line.

MANUFACTURED HOME:
A structure, transportable in one or more sections, which is built upon a chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term shall include park trailers, travel trailers, recreational and other similar vehicles placed upon a site for more than 180 consecutive days.

MANUFACTURED HOME LOT:
A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home.

MANUFACTURED HOME PARK:
A parcel, or contiguous parcels of land, which has been planned and improved for the placement of two or more manufactured homes.

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

MEDICAL CLINICS: (See Section 8 for additional information)
A facility comprised of professional offices, for the examination and treatment of persons as outpatients by physicians, dentist or other licensed medical specialists, in which said medical practitioners work in cooperative association. Said clinics may provide medical services customarily available in hospitals, excluding overnight care of patients and 24 hour emergency service. Medical Clinic also includes a methadone clinic, which is a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

MINERALS:
Any aggregate or mass of mineral matter, whether or not coherent. The term shall include, but is not limited to, limestone and dolomite, and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MODULAR HOME: A structure to be occupied as a dwelling, designed, built to current Code and transported to a site and thereupon placed on a permanent, frost fee, cementations foundation with all sections permanently joined and connected to all required utilities.

MOTEL; (See also Hotel):
A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended or used primarily for the accommodations of automobile travelers and provides automobile parking conveniently located on the premises.

MUNICIPALITY:
The Township of Hazle, Luzerne County, Pennsylvania.

NO IMPACT HOME-BASED BUSINESS:
A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to and from the premises, in excess with those normally associated with a residential use. The business or commercial activity must also comply with requirements contained within Section 802.31 of this Ordinance.

NONCONFORMING LOT :
A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE:
A structure or part of a structure not limited to buildings and nonconforming structure not designed to comply with the applicable use or extent of use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE:
A use, whether of land or of structure, which does not apply with the applicable use and or other provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

NURSING HOME:
A dwelling used for the continuous care of patients requiring and utilizing skilled nursing, medical or rehabilitative care and licensed and permitted by and complying with all State and Federal rules and regulations and incompliance with all local codes.

OFFICES:

PROFESSIONAL OFFICE:
An office (other than a service office) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, veterinarians, engineers, artists, musicians, teachers and others who, through training are qualified to perform services of a professional nature.

SERVICE OFFICE:
An office in which are offered services by real estate agents, travel agents, insurance agents, accountants, public stenographers, brokers or others who, through training, are duly qualified to perform services of an executive nature as distinguished from a professional office.

OPEN SPACE:
An area that is intended to provide light and air and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular traffic.

OUTDOOR STORAGE:
The keeping, in an unroofed area, of any goods, material, merchandise, equipment or vehicles which are related to the operation of a commercial business, excluding the storage of solid waste, hazardous substances, refuse, junk, junked vehicles discarded and/or any inoperative durable items.

PARCEL:
A continuous quantity of land in the possession of or owned by, or recorded as the property of the same person or persons.

PARKING LOT:
An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

PARKING, SHARED:
The development and use of parking areas on two (2) or more separate properties for joint use by the business on those properties.

PARKING SPACE:
An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle.

PERMITTED USE:
Any use which is specifically authorized in a particular zoning district.

PERSONAL SERVICES:
Any enterprise conducted for gain, which primarily offers services to the general public, such as shoe repair, valet service, watch repairing, barber shops, beauty parlors and related activities.

PETS, HOUSEHOLD:
Dogs, cats, rabbits, birds, etc., for family use only (noncommercial) with cages, pens, etc.

PLACE OF WORSHIP:
A building used for religious services, including churches, synagogues, mosques and similar edifices.

PLANNING DEPARTMENT:
The Planning Department of Hazle Township.

PLANNED RESIDENTIAL DEVELOMENT:
An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, with a development plan which does not correspond in lot size, bulk or type of dwelling density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of this Ordinance.

PRINCIPAL USE:
The main use of land or structures, as distinguished from a secondary or accessory use.

PRIVATE:
Something owned, operated and supported by private individuals or a corporation, rather than by government, and not available for public use.

PUBLIC:
Something owned, operated and supported by the community, residents or another entity, governmental or private, for the use and benefit of the general public.

PUBLIC HEARING:
A formal meeting held pursuant to public notice by the Governing Body, Planning Commission or Zoning Hearing Board, which is intended to inform and obtain public comment prior to taking action on a particular subject matter or development.

PUBLIC MEETING:
A forum held pursuant to notice under the Act of July 3, 1986 (P.L> 388, No. 84). Known as the "Sunshine Act."

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

PUBLIC USES:
Public parks and administrative, cultural and service buildings excluding public land or buildings primarily devoted to the storage and maintenance of equipment and materials.

PUBLIC WATER & SEWER AND OTHER UTILITIES:
A system of telephone, electric and cable television lines, equipment structures, water or gas pipes, mains, valves or other structures, pumping stations, telephone exchanges and all other facilities, equipment and structures intended to serve the public from a central or main source or service point and owned or operated by a governmental or private entity which may be under the jurisdiction of the Pennsylvania Public Utility Commission in accordance with Section 619 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PYTHAGOREAN THEOREM

A theorem in geometry; the square length of the hypotenuse of a right triangle equals the sum of the squares of the length of the other two (2) sides.

RECLAMATION, ENVIRONMENTAL:
The filling, backfilling, leveling or cleaning of land or lands formerly used for the extraction and/ or excavation of natural resources or minerals or of lands having been contaminated and now considered Brownfields or Greyfields as defined by the Pennsylvania Department of Environmental Resources and/or the United States Environmental Protection Agency. This is a permitted activity in all Districts provided that no materials are removed from the site and only materials entering the site are naturally occurring soils and earth and subject to the operation not exceeding two (2) years whether or not the operation requires State and/or Federal permits.

RECREATIONAL FACILITES, COMMERCIAL:
Recreational facilities operated as a business and open to the public for a fee.

RECREATIONAL FACILITIES, PRIVATE:
Recreational facilities other than commercial or public, not operated for a profit and only open to its members and their guests.

RECREATIONAL FACILITIES, PUBLIC:
Recreational facilities operated as a nonprofit enterprise by a governmental entity or a nonprofit organization and open to the general public.

REPORT:
Any letter, review, memorandum, compilation or similar writing made by any body; board, officer of consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed to be a recommendation and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceedings upon request with copies thereof provided at the cost of reproduction.

RESEARCH LABORATORY:
A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacturer or sale of products, except as incidental to the main purpose of the laboratory.

RESTAURANT:
A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in indispensable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, FAST-FOOD:
An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared or prepared, fried or grilled quickly, such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

RIGHT-OF-WAY:
A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line or other special use.

SATELLITE DISH ANTENNA (NONCOMMERCIAL):
A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations. TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SCHOOL:
A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools that are licensed by the State as such.

SEATING CAPACITY:
The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the most recent IBC Code.

SELF-SERVICE STORAGE FACILITY:
A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers which are leased to individuals for the storage of the individual's property , possessions or wares.

SERVICE STATION:
Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication and minor repairs are conducted.

SETBACK:
The required minimum horizontal distance between the building line and the related front, side or rear property line.

SEWAGE DISPOSAL CENTRALIZED:
A sanitary sewage collection system, approved by the Pennsylvania Department of Environmental Protection, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal facility.

SEWAGE DISPOSAL, ON-LOT:
Any facility designed to biochemically treat sewage within the boundaries of an individual lot in accordance with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection.

SHOPPING CENTER:
A grouping of retail business and service uses on a single site with common parking facilities.

SIGN:
A structure or device designed or intended to convey information to the public in written or pictorial form.

SIGN AREA:
The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of both faces. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.

SIGN, BILLBOARD OR OFF-PREMISES ADVERTISING SIGN:
A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

SIGN, FREE STANDING:
A sign supported by one or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

SIGN ILLUMINATED:
A sign illuminated in any manner by an artificial light source.

SIGN, PORTABLE:
Any sign not permanently affixed in the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

SIGN, PROJECTING:
Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/marquee sign.

SIGN, ROOF:
Any sign erected upon, against or directly above a roof or roof eaves or on top or above the parapet or on a functional architectural appendage above the roof or roof eaves.

SIGN, WALL:
A sign painted on the outside of a building or attached to and erected parallel to the face of a building and supported throughout its length by such building.

SIGN, WINDOW:
A sign painted, stenciled or affixed on a window, which is visible from a right-of-way.

SITE PLAN:
A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and features proposed for a specific parcel of land.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN:
A plan that indicates necessary land treatment designed to effectively minimize soil erosion and sedimentation measures requiring approval by the Luzerne County Conservation District.

SPECIAL EXCEPTION:
A use which may only be permitted in a particular zoning district, by special approval, granted by the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

SOCIAL HALL:
A room or building used for friendly or convivial gatherings, normally owned and/or operated by a nonprofit or civic organization.

SOLID WASTE OR WASTE:
Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semisolid or contained in gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding "Hazardous Substances" as so defined by this Ordinance and "Hazardous waste", as so defined by the Pennsylvania Department of Environmental Protection, pursuant to Chapter 271.1, under the Solid Waste Management act, as amended.

SOLID WASTE FACILITY:
Any facility operated pursuant to the laws of the Commonwealth of Pennsylvania governing the management, processing, treatment, storage, transfer and/or disposal of solid waste, construction and demolition waste, or waste, as so defined by this Ordinance.

STORY:
That portion of a building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, the space between such floor and the ceiling above. A basement shall be counted as a story if its ceiling equals or exceeds five (5) feet of the finished ground surface adjoining the exterior walls of such story.

STREET:
A public (dedicated) or private (undedicated) right-of-way, whether or not improved, intended for primary use by vehicular and pedestrian traffic.

STRUCTURE:
Any man-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land.

SWIMMING POOL:
A water-filled enclosure, permanently constructed or portable, having a depth of more than twenty-four inches below the level of the surrounding land or an above surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing.

TOWER: (SEE ANTENNA SUPPORT STRUCTURE, COMMERCIAL)

TOWNSHIP:
Township of Hazle, Luzerne County, Pennsylvania.

TOWNHOUSE:
A residential structure constructed as a single entity containing a row of more than two (2) single-family attached dwelling units but not more than seven (7) single-family attached dwelling units, whereby each unit may be sold as an individual single-family attached unit, with each unit having a lot under individual or association ownership. Each unit shall have its own front and rear access to the outside and may have a common or public open space, such as an off-street parking area, yard area, recreational area or similar common area. No dwelling units shall be located over another unit and each unit shall be separated from another unit by one (1) or more party walls without openings.

TRASH: (SEE JUNK)

TRUCK REPAIR & STORAGE:
A building and/or land used primarily for the maintenance and storage of large commercial vehicles.

TRANSFER STATION:
A facility which receives and temporarily stores solid waste at a location other than the generation site, which facilitates the bulk transfer of accumulated solid waste to another facility or site for further processing and/or disposal of said solid waste. Said use shall be classified and regulated as a "Solid Waste Facility".

TRUCKING FACILITY:
A structure, building and/or land consisting of a storage area, management and dispatch office and loading and unloading facilities connected with receipt or delivery of freight shipped by truck.

TRUCKING WAREHOUSE: A business use which serves commercial trucking truck traffic by utilizing a building or buildings and/or ancillary Temporary Storage Trailer to store goods or other items on the property. All temporary storage trailers must have Township Permits per Section 802.44 of the Hazle Township Zoning Ordinance. Trucking warehouse use shall be a use by special exception allowed in a B-2 and a permitted use in an I-1 zone.

VARIANCE:
A waiver granted by the Zoning Hearing Board from the terms and requirements of this Ordinance in accordance with Section 1509 of this Ordinance.

WAREHOUSE:
A building used primarily for storage of goods and material.

WAREHOUSING AND DISTRIBUTION:
A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, excluding the bulk storage of material that are inflammable, explosive, hazardous or commonly recognized as offensive.

WATERCOURSE:
A permanent or intermittent stream, river, brook, creek or channel or ditch for collection and conveyance of water, whether natural or man-made.

WETLANDS:
Those areas that are inundated or saturated by the surface or ground water at a frequency or duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas which are listed in the state water plan, The United States Forest Service Wetlands Inventory of Pennsylvania, The Pennsylvania Coastal Zone Management Plan and any wetland area designated by a river basin commission.

WIRELESS COMMERCIAL COMMUNICATION SITE:
A tract or parcel of land containing a commercial antenna, its support structure, accessory building (s) and parking.

YARD:
An open space that lies between the principal building and the nearest lot line. Such yard is unoccupied and unobstructed from the ground up except for accessory buildings or projections which are expressly permitted by this Ordinance.

YARD, FRONT:
A space extending the full width of the lot between the principal building and the front lot line on a legally accessible street right-of-way and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR:
A space extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

YARD, SIDE:
A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

ZONING DISTRICT:
A portion of Hazle Township illustrated upon the Official Zoning Map, within which certain uniform regulations and requirements apply under the provisions of the Zoning Ordinance.

ZONING HEARING BOARD:
The Zoning Hearing Board of Hazle Township, Luzerne County, Pennsylvania.

ZONING MAP:
The official map which is part of the Zoning Ordinance and indicates and delineates the zoning districts of Hazle Township, Luzerne County, Pennsylvania.

ZONING OFFICER:
The administrative officer appointed by the Governing Body to administrator and enforced the Zoning Ordinance of Hazle Township, Luzerne County, Pennsylvania.

ARTICLE 3 GENERAL

REGULATIONS

SECTION 301 ATTACHED ACCESSORY STRUCTURES

Accessory structures which are attached to a principal structure shall be considered a part of the principal structure and shall comply with the same yard and lot requirements applicable to the principal structure.

SECTION 301 UNATTACHED ACCESSORY STRUCTURES

302.1 NONRESIDENTIAL

When the principal use of structure is nonresidential, an unattached accessory structure shall comply with the front yard setback requirements applicable to the principal structure or use for the zoning district in which it is located and shall not be less than fifteen (15') feet from any side yard lot line or rear yard lot line.

302.2 RESIDENTIAL

When the principal structure is residential, unattached accessory structures shall only be erected within the rear yard or side yard areas of the lot subject to the following requirements:

A. The maximum height shall not exceed two (2) stories or twenty-five (25') feet.

B. An accessory structure, which has a floor area, which is one hundred and fifty (150') square ft. or less shall not be located less than five (5') feet from a side lot line or the rear lot line. An accessory structure, which has a floor area, which exceeds one hundred and fifty (150') square feet shall not be located less than ten (10') feet from a side lot line or the rear lot line. In cases where any accessory structure abuts a street of alley a minimum setback often (10') feet shall be required for all.

SECTION 303 CORNER LOT RESTRICTION

On a corner lot there shall be provided on each side thereof, adjacent to a street, a yard setback equal in depth to the required front yard setback of the prevailing zoning district in which the corner lot is located.

SECTION 304 TYPES OF RESIDENTIAL ACCESSORY STRUCTURES

For residential lots, permitted accessory structures shall include noncommercial greenhouses, tool or lawn sheds, private garages or carports, private noncommercial swimming pools and noncommercial satellite antenna dishes.

SECTION 305 NONCOMMERCIAL SATELLITE DISH ANTENNA

A noncommercial satellite dish antenna, as so defined in this Ordinance, shall be deemed an accessory use, permitted by right in all zoning districts. Granting approval for the establishment and/or construction of a satellite dish antenna shall not restrict or imply to restrict the use or development of another zoning lot. The height of a noncommercial satellite dish antenna, including any supporting device, measured from ground level to its highest point of elevation, in all R zoning districts shall not exceed thirty-five (35') feet. A noncommercial satellite dish antennas in all other zones shall be exempt from meeting height requirements.

SECTION 306 RESIDENTIAL ACCESSORY STRUCTURES IN A NONRESIDENTIAL ZONE

In cases when a residential structure is a nonconforming use, located in a nonresidential zone, the proposed erection of an accessory residential structure shall be deemed exempt form classification as an expansion of a nonconforming use, but shall be subject to the regulations contained under Section 302.2 of this Ordinance.

SECTION 307 PRIVATE NONCOMMERCIAL SWIMMING POOLS

All swimming pools shall be located in either the rear yard or side yard of the property on which it is an accessory use. The swimming pool and any accessory structures thereto, shall have a minimum setback of ten (10') feet from any rear or side yard lot line and a minimum distance of not less than ten (10') feet from any residence upon an adjoining lot.

307.1 LOCATION AND SETBACK REQUIREMENTS

Swimming pools shall be located in either the rear yard or side yard of the property on which it is an accessory use. The swimming pool and any accessory structures thereto, shall have a minimum setback of ten (10') feet from any rear or side yard lot line and a minimum distance of not less than ten (10') feet from any residence upon an adjoining lot.

307.2 IN-GROUND POOLS

The pool or the entire property on which the pool is located, shall be enclosed with a permanent fence not less than four (4') feet in height, which includes a gate secured with a lock.

307.3 ABOVE GROUND POOLS

An above ground pool shall be enclosed with a permanent fence not less than four (4') feet in height which includes a gate secured with a lock in accordance with the above requirements of Section 307.2 or in lieu of a fence, a barrier not less than four (4') feet in height. Said barrier may include the pool wall and any extension thereto which equals or exceeds a height of four (4') feet. Access into a pool which includes a deck shall be secured by a gate with a lock. Pools without access from a deck, shall include retractable steps or any similar device, which prohibits uncontrolled access into the pool when not in use.

Shrubbery is not to be considered as a barrier. Decks, which are attached to the pool shall not project into any required yard setback for the pool.

SECTION 308 LOTS DIVIDED BY ZONING BOUNDARIES

If a zoning district boundary line divides a lot held in single and separate ownership prior to the effective date of this Ordinance, placing fifty-five (55%) percent or more of the lot area in a particular zoning district, the location of such district boundary line may be construed to include the remaining forty-five (45%) percent or less of the lot so divided.

SECTION 309 PROJECTIONS INTO REQUIRED YARDS

The following projections shall be permitted into required yards and shall not be considered in the determination of yard setback requirements or building coverage:

(A) Terraces or Patios: provided that such terraces or patios are located in the rear yard or side yard, are not under roof, without walls or other form of enclosure and are not closer than five (5') feet to any adjacent lot line.

(B) Projecting Architectural Features: such as bay windows, cornices, eaves, fireplaces, chimneys, window sills or other similar architectural features provided that any of the aforementioned features do not extend more than two (2') feet into any required setback.

(C) Porches and Decks: provided such porches or decks are uncovered and/or unenclosed, located in the rear yard or side yard and that it does not exceed four and one-half (4 ½) feet in depth as extended from the structures.

(D) Handicapped Ramps: may be constructed without meeting any applicable front and/or rear yard setback requirements in any Zoning District, but shall have a minimum side yard setback of not less than three (3') feet.

(E) Stairways, balconies, canopies or architectural features may project into any required yard not more than three (3') feet, provided that all such projections do not occupy more than one-third of the length of the building wall, otherwise the required setback applies. All projections are prohibited from projecting into or over the public right-of-way.

(F) Lamp posts, walkways, driveways, retaining walls or steps shall be permitted within any required yard area.

SECTION 310 EXCEPTIONS TO HEIGHT LIMITATIONS (Also see Section 802.23)

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, chimneys, flagpoles, water towers, communication towers, alternative energy towers, skylights; or to any accessory mechanical appurtenances and/or equipment usually located above the roof level.

SECTION 311 ENCLOSURES – EXEMPTIONS FROM YARD REQUIREMENTS

In all zoning districts any area of a structure already under roof can be fully enclosed and is exempt from meeting the front, side or rear yard requirements.

SECTION 312 REQUIRED ACCESS

Every building or structure hereafter erected shall have access to or be located upon a lot adjacent to a public or private street.

SECTION 313 VISIBILITY AT INTERSECTIONS AND PRIVATE DRIVEWAYS

313.1 INTERSECTION OF STREETS

On any corner lot, no visual obstruction in excess of four (4') feet in height, excluding street signs, utility poles or traffic poles and signs, shall be erected or maintained for a distance of fifteen (15') feet on each side of the intersection, said distance to be measured from the curb or property line whichever is greatest.

313.2 PRIVATE DRIVEWAYS

No visual obstruction between two and one-half (2 ½') feet and eight (8') feet in height, shall be erected or maintained within the triangle formed between the intersection of centerlines of a street right-of-way line and a depth of ten (10') feet along the centerline of the street right-of-way and a depth of ten (10') feet along the centerline of a private driveway.

SECTION 314FENCES AND WALLS

The posts and/or structural supports of a fence shall be located within the interior yard space to be enclosed.

314.1 RESIDENTIAL

Fences and walls to be constructed within a residential zoning district or upon a lot in any other type of zoning district which contains a residential property, shall be permitted according to the following subsections:

A. FRONT YARD

The maximum height of any fence or wall in a front yard shall not exceed four (4') feet in height above the adjacent ground level.

B. SIDE AND REAR YARDS

The maximum height of any fence or wall located in a side yard or rear yard shall not exceed eight (8') feet in height.

C. MATERIALS

All fences shall be constructed with materials recognized by the fencing industry and designed to provide a permanent enclosure. No barbed wire or other potentially injurious material shall be contained upon the fence or as part of the material to construct the fence, shrubbery or other living plants shall constitute a fence when planted on two (2') foot centers or less or are allowed to grow together to form a barrier.

314.2 NONRESIDENTIAL

Fences to be constructed within any commercial zoning district shall not exceed eight (8') feet in height above the adjacent ground level. Fences to be constructed within any industrial zoning district shall not exceed ten (10') feet in height above the adjacent ground level.

314.3 EXEMPTIONS

The provisions of this Section shall not be applied to prevent the construction of a (chain link) in excess of ten (10') feet in height, designed as an enclosure to a public park, a public playground or similar outdoor recreational facility or contractors' yards.

SECTION 315 PUBLIC UTILITIES

With the exception of storage yards, the provisions and regulations of this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation deemed necessary for the convenience or welfare of the public in accordance with Section 619 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 316 SEWAGE DISPOSAL

The provision of sewage service to any proposed use and/or development of property shall be consistent with the Township's Act 537 Sewage Facility Plan. Any use or development of property which proposes to utilize on-lot sewage disposal shall secure approval from the Township's Sewage Enforcement Officer in accordance with the applicable governing standards of the Pennsylvania Department of Environmental Protection prior to the issuance of a zoning permit.

SECTION 317 EXEMPTIONS FOR CERTAIN SIDE YARD SETBACKS

Any structure proposed to be subdivided, containing two or more units, residential or nonresidential shall be exempted from the governing side yard setback requirements

under the Zoning Ordinance relative only to interior side yards. When a side yard of a proposed subdivision is directly attached to another unit within the structure, subdivision approval shall exempt the property from requesting and/or securing an interior side yard variance from the Zoning Hearing Board.

SECTION 318 HIGHWAY OCCUPANCY PERMIT

Zoning approval for any proposed use and/or development of a property, which includes the construction and/or relocation of a driveway onto a State Legislative Route, shall be conditioned upon the applicant securing a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

SECTION 319 MANUFACTURED HOUSING

A manufactured home shall be constructed and anchored to a permanent, frost-free foundation. under such conditions said mobile home shall be deemed to be a single family residence.

SECTION 320 USES NOT ADDRESSED WITHIN ORDINANCE

Whenever, in any district established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Boards shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is determined to be similar to and compatible with permitted uses in the district and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the applicant to demonstrate that the proposed use would meet the standards and criteria for special exceptions as contained in Article 6 of this Ordinance and would not be substantially detrimental to the public health, safety and welfare and/or environmental features and characteristics of the site and/or surrounding areas.

SECTION 321 CONFLICTING REGULATIONS

In the event that any provisions within this Ordinance are found to be in conflict with another provision of this Ordinance, and/or any other ordinance, law or regulation of the Township, State or United States Government, the least restrictive shall apply.

SECTION 322 LIMITED ROAD ACCESS AND TRAFFIC

When application is made for a structure or use other than residential where access is limited to only one road which is not a Federal or State road and where vehicle use would exceed twenty (20) vehicle trips per day and which traverses a residential District before intersecting a State or Federal Highway, a special exception from the Zoning Hearing Board shall be required.

ARTICLE 4 ZONING MAP AND ZONING

DISTRICTS

SECTION 401 OFFICIAL ZONING MAP

Hazle Township is hereby divided into zoning districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

SECTION 402 CHANGES TO OFFICIAL ZONING MAP

Any changes to the location of zoning district boundaries or other matters portrayed upon the Official Zoning Map shall be undertaken in accordance with the applicable provisions contained within Article 14 of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended. Such changes shall be provided upon the Official Zoning Map promptly after the enactment of the subject amendment by the Hazle Township Board of Supervisors.

SECTION 403 INTERPRETATION OF BOUNDARIES

For the interpretation of zoning district boundaries, the following subsections shall apply if or when a determination is made by the Zoning Officer.

403.1 ZONING OFFICER

If uncertainty exists as to the boundary of any zoning district shown upon the Official Zoning Map, the Zoning Officer shall determine the location of such boundary according to the Guidelines set forth in Section 403.2.

403.2 ZONING DISTRICT BOUNDARY DETERMINATION

(A) Zoning district boundary lines are intended to follow or parallel the center line of Streets, streams and railroads; and the lot or property lines as the exist on a recorded deed or plan in the Luzerne County Recorder of Deeds Office at the time of adoption of this Ordinance, unless such zoning district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

(B) Where a zoning district boundary is not fixed by dimensions and where it approximately follows lot lines and does not scale more than ten (10') feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

(C) If the guidelines as stated above fail to provide and establish the boundary of a zoning District, a survey of the property or area of land in question shall be made by a Registered surveyor, with the cost of the survey paid by the party who is questioning or contesting the boundary location.

SECTION 404 CLASSES OF ZONING DISTRICTS

For the purpose of this Ordinance, Hazle Township is hereby divided into Zoning Districts as designated below:

C-1 CONSERVATION DISTRICT
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
R-2 MULTIFAMILY RESIDENTIAL DISTRICT
B-1 NEIGHBORHOOK COMMERCIAL AND SHOPPING CENTER DISTRICT
B-2 GENERAL COMMERCIAL DISTRICT
BP BUSINESS PARK
I-1 INDUSTRIAL DISTRICT
I-2 HEAVY INDUSTRIAL DISTRICT
M-1 MINING DISTRICT
PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
HOD HEALTHCARE OVERLAY DISTRICT

ARTICLE 5 ZONING DISTRICT

REGULATIONS

SECTION 501
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

501.1 PERMITTED USES

Single-family Detached Dwellings
Minor Solar Energy System
No-Impact Home Based Business
Public Water & Sewer and other Utilities (as defined in Article 2 of this Ordinance)
Accessory Uses to the Above

501.2 USES PERMITTED BY SPECIAL EXCEPTION ZONING HEARING BOARD APPROVAL REQUIRED

Child Care Center
Child Care Home
Community Center, as defined in Article 2 of this Ordinance
Day Care Center
Home Occupations
Public Recreational Facilities
Public Uses (except storage yards)
Small Structure Mounted or Tower Mounted Wind Energy Turbine
Accessory Uses to the Above

501.3 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless a particular use is governed by additional standards, including but not limited to State regulations, General Regulations contained in Article 3 and/or Supplementary Regulations contained in Article 8 of this Ordinance.

A. Minimum Lot Area: Each principal building or use shall be located upon a lot having a minimum lot area of not less than:

1. Eleven thousand two hundred and fifty (11,250) square feet when the lot is serviced by public water and public sewers.

2. Forty-three thousand five-hundred and sixty (43,560) square feet, one (1) acre, when the lot is serviced by on-lot sewage disposal.

B. Minimum Lot Width:

1. One Hundred (100') feet for lots serviced by central sewers.

2. One Hundred Fifty (150') feet for lots with on-lot-sewage disposal.

C. Front Yard: The minimum front yard shall be not less than thirty-five (35') feet in depth as measured from the front lot line.

D. Rear Yard: The rear yard shall be not less than thirty (30') feet in depth as measured from the rear lot line.

E. Side Yard: Each side yard shall be not less than (10') feet on each side.

F. Lot Coverage: Not more than thirty-five (35%) percent of the total lot area shall be covered with buildings or structures.

G. Building Height: The maximum height of any building shall not exceed two and One-half (2 ½) stories or thirty-five (35') feet.

501.4 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 502
R-2 – MULTI FAMILY RESIDENTIAL DISTRICT

502.1 PERMITTED USES

Minor Solar Energy System
Multiple Family Dwellings contained within an individual residential structure
No-Impact Home Based Business
Public Water & sewer and other Utilities (as defined in Article 2 of this Ordinance)
Single-family Detached Dwellings
Townhouses
Two-Family Dwelling
Accessory Uses to the Above

502.2 USES PERMITTED BY SPECIAL EXCEPTION ZONING HEARING BOARD APPROVAL REQUIRED

Boarding or Rooming Houses
Cemeteries
Child Care Center
Child Care Home
Community Center, as defined in Article 2 of this Ordinance
Day Care Center
Day Care Homes
Funeral Homes
Group Residence
Home Occupation
Manufactured Home Parks
Model Homes
Nursing Homes
Place of Worship
Private Recreational Facilities
Public Recreational Facilities
Public Uses (except Storage Yards)
Small Structure Mounted or Tower Mounted Wind energy Turbine
Accessory Uses to the Above

502.3 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless a particular use is governed by additional standards, including not limited to State regulations, General Regulations contained in Article 3 and/or Supplementary Regulations contained in Article 8 of this Ordinance.

A. Minimum Lot Area: Each principal building, structure and/or use connected to public sewers and public water and shall be located upon a lot having a minimum lot are of not less than:

1. Seven thousand two hundred (7,200) square feet for a single family detached dwelling and all other nonresidential uses unless a greater area is required for a particular use under Article 8 of this Ordinance.

2. Twelve Thousand five hundred (12,500) square feet for a two-family dwelling.

3. Three thousand (3,000) square feet for each dwelling unit within an individual residential structure containing three (3) or more dwelling units.

4. A maximum density of fifteen (15) dwelling units per acre for all other multifamily dwellings.

5. Residential uses serviced by on-lot sewage shall require a minimum lot area of not less than twenty (20,000) square feet each dwelling unit.

6. Nonresidential uses serviced by on-lot sewage shall require a minimum lot area of not less than forty-three thousand five hundred and sixty square feet, one (1) acre.

B. Minimum Lot Width:

1. Sixty (60') feet when the minimum required lot size is not less than Seven Thousand Two Hundred (7,200) square feet.

2. Seventy-Five (75') feet when the minimum required lot size is not less than Twelve Thousand Five Hundred (12,500) square feet

3. One Hundred (100') feet when the minimum required lot size is based upon a density requirement of Three Thousand (3,000) square feet per dwelling unit for a Single Residential Structure containing three (3) or more dwelling units.

4. One Hundred Fifty (150') feet when the maximum density is based upon fifteen (15) dwelling units per acre. (See Article 8 for Townhouses)

C. Front Yard: The minimum front yard shall be not less than thirty-five (35') feet in depth as measured from the front lot lines

D. Rear Yard: The rear yard shall be not less than thirty (30') feet in depth as measured from the rear lot line.

E. Side Yard:

For single and double family detached dwelling, each side yard shall be not less than ten (10') feet on each side.

For any other multifamily structure, each side yard shall be not less than fifteen (15') feet on each side.

F. Lot Coverage: Not more than forty-five (45%) percent of the lot area shall be covered with buildings or structures.

G. Building Height: The maximum height of any building shall not exceed two and one-half (2 ½) stories or thirty-five (35') feet.

502.4 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 503
B-1 – NEIGHBORHOOD COMMERCIAL & SHOPPING CENTER DISTRICT

503.1 PERMITTED USES

A. RETAIL BUSINESS, INCLUDING OR SIMILAR TO THE SALE OF:

Artist, Music and Hobby Supplies
Automotive Supplies
Clothing and Clothing Accessories
Convenience Stores
Convenience Stores with Gas Sales
Florist Shops
Food/Grocery
Greeting Cards, Newspapers, Books, Stationary & Magazines
Hardware, Paint
Household Goods and Appliances
Office Equipment and Supplies
Pharmaceutical Products
Restaurants
Sporting Goods
Variety Goods
Accessory uses to the above

B. SERVICE-ORIENTED BUSINESS INCLUDING OR SIMILAR TO:

Child Care Centers
Day Care Centers
Funeral Homes
Gasoline Service stations
Health Clubs
Laundromats
Medical Offices
Personal services
Professional Offices
Public Water & sewer and other Utilities (as defined in article 2 of this Ordinance)
Self-Storage Facilities
Accessory uses to the above

C. RECREATION AND ENTERTAINMENT RELATED BUSINESS INCLUDING OR SIMILAR TO:

Commercial Recreational Facilities
Public Recreational Facilities Private
Recreational Facilities
Accessory Uses to the above

D. RESIDENTIAL USES

Dwelling over and/or attached to Business
No Impact Home-Base Business

E. ACCESSORY USES TO ALL USES PERMITTED BY RIGHT

Minor solar energy system

503.2 USES PERMITTED BY SPECIAL EXCEPTION
ZONING HEARING BOARD APPROVAL REQUIRED

Commercial Uses with Drive-Thru Facilities
Entertainment Facilities
Group Residences
Lodges and Clubs
Medical Clinics
Medium Wind Energy Turbine
Multifamily Dwellings
Public Uses
Rooming or Boarding Homes
Small Structure Mounted or Tower Mounted Wind Energy Turbine
Taverns
Theaters (indoor)
Accessory uses to the above

503.3 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless a particular use is governed by additional standards, including but not limited to State regulations, General Regulations contained in Article 3 and/or Supplementary Regulations contained in Article 8 of this Ordinance,

A. Minimum Lot Area:

1. None, subject to the lot being serviced by public water and public sewers.

2. Forty-three thousand five hundred sixty square feet, (43,560)
One (1) acre when the lot is serviced by on-lot sewage disposal.

B. Minimum Lot Width:

1. None, subject to the lot being serviced by public water and public sewers.

2. One Hundred (100') feet, when the required minimum lot size is one (1) acre.

C. Front Yard: The minimum front yard shall be not less than thirty-five (35') feet in depth as measured from the front lot line.

D. Rear Yard: The rear yard shall be not less than thirty (30') feet in depth as measured from the rear lot line; a rear yard setback of forty (40') feet shall be required when the adjoining rear lot contains a residential use or a residential zoning district.

E. Side Yard: The side yard shall be not less than ten (10') feet on each side when the adjoining contains a nonresidential use; a side yard setback of not less than twenty (20') feet shall be required for any side yard when adjoining lot lot contains a residential use or where it abuts a residential zoning district.

F. Lot Coverage: Not more than forty-five (45%) percent of the lot area shall be covered by buildings or structures.

G. Building Height: The maximum height of any building shall not exceed three (3) stories or forty (40') feet.

503.4 SUPPLEMENTARY REGULATIONS (See ARTICLE 8 of this Ordinance)

503.5 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definition of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 504
B-2 GENERAL COMMERCIAL DISTRICT

504.1 PERMITTED USES

A. RETAIL BUSINESS, INCLUDING OR SIMILAR TO THE SALE OF:

Artist, Music and Hobby Supplies
Automotive Supplies
Automotive Sales, Maintenance and Repair
Building, Lumber or Plumbing Supplies
Clothing and Clothing Accessories
Commercial Greenhouses, Nurseries & Garden Shops
Convenience Stores
Convenience Stores with Gas Sales
Electronic Equipment and Products, both sales and repairs
Equipment Sales and Repair
Florist Shops
Food/Grocery
Greenhouses, Nurseries & Garden Shops
Greeting Cards, Newspapers, Books, Stationary & Magazines
Hardware
Household Goods and Appliances
Office Equipment and Supplies
Pet Stores
Pharmaceutical Products
Retail Sales
Sporting Goods
Variety Goods
Wholesale Goods

B. SERVICE-ORIENTED BUSINESS INCLUDING OR SIMILAR TO:

Animal Hospital/Veterinarian Clinic
Animal Kennels
Banks
Car Washes
Child Care Centers
Day Care Centers
Funeral Homes
Gasoline Service Stations
Health Clubs
Medical Marijuana Dispensary
Medical Offices
Motels and Hotels
Nursing Homes
Personal Care Homes
Personal Services

Private Garage (storage or vehicles)
Professional Offices
Public Uses
Public Water & Sewer and other Utilities (as defined in Article 2 of this Ordinance)
Repair Garages
Restaurants
Self – Storage Facilities

C. RECREATION AND ENTERTAINMENT RELATED BUSINESS INCLUDING OR SIMILAR TO:

Commercial Recreational Facilities
Public Recreational Facilities
Private Recreational Facilities
Theaters (indoor)

D. RESIDENTIAL USES

Apartments, Townhouses and Condominiums
Dwelling over and/or attached to business
Group Residences
No Impact Home-Base Business
Accessory Uses to the Above

E. ACCESSORY USES TO AL USES PERMITTED BY RIGHT:

Minor Solar Energy System

504.2 USES PERMITTED BY SPECIAL EXCEPTION ZONING HEARING BOARD APPROVAL REQUIRED

Boarding or Rooming Homes
Bulk Fuel storage
Cemeteries
Cleaning, Laundry and Dyeing Plants
Contractors Yards
Entertainment Facilities
Hazardous Substance, any use which utilizes and/or stores any hazardous substance, (as define Article 2 of this Ordinance)
Lodges or Clubs
Machine Shops
Medium Wind Energy Turbine
Medical Clinics

Multifamily Dwellings within an individual residential structure
Outdoor Storage (as defined in article 2 of this Ordinance)
Printing, Lithographing or Publishing Plants
Small Structure Mounted or Tower Mounted Wind Energy turbine Stone or Monument Works
Tire Retreading and Recapping
Trucking Facilities and Terminals
Trucking Warehouse
Accessory uses to the above

504.3 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless a particular use is governed by additional standards, including but not limited to State Regulations, General regulations contained in Article 3 and/or Supplementary Regulations contained in Article 8 of this Ordinance.

A. Minimum Lot Are

1. None, subject to the lot being serviced by public water and public sewer

2. Forty-three thousand five hundred and sixty (43,560) square feet when the lot is serviced by on-lot sewage disposal.

B. Minimum Lot Width:

1. None, subject to the lot being serviced by public water and public Sewers.

2. One Hundred (100) feet, when the required minimum lot size is forty-three thousand five hundred and sixty (43,560) square feet

C. Front Yard: The minimum front yard shall be not less than thirty-five (35') feet in depth as measured from the front lot line.

D. Rear Yard: The rear yard shall be not less than thirty (30') feet in depth as measured from the rear lot line; a rear yard setback of forty (40') feet shall be required when the adjoining rear lot contains a residential use or a residential zoning district.

E. Side Yard: The side yard shall be not less than ten (10') feet on each side when the adjoining lot contains a nonresidential use; a side yard setback of not less Than twenty (20') feet shall be required for any side yard when adjoining lot contains a residential use or where it abuts a residential zoning district.

F. Lot Coverage: Not more than forty-five (45%) percent of the lot area shall be covered by buildings or structures.

G. Building Height: The maximum height of any building shall not exceed Three (3) stories or forty (40') feet.

504.4 SUPPLEMENTAY REGULATIONS (See ARTICLE 8 of this Ordinance)

504.5 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 505
I-1 INDUSTRIAL DISTRICT

BUSINESSES ENGAGED IN THE FOLLOWING SERVICES/USES OR THOSE OF A SIMILAR NATURE

505.1 PERMITTED USES

Building and construction contractors' establishments including offices and equipment storage
Building, Lumber or Plumbing Supplies
Contractors' Offices, Shops and Storage Yards (for commercial uses)
Electrical, masonry, fencing and related materials
Electronic Equipment and Products
Equipment Sales and Repairs
Fabrication of metal products
Food containers and similar uses
Gasoline Service stations
Heavy equipment sales and storage yards
Industrial Parks and other large scale manufacturing developments
Laboratories
Light Industry (as defined in article 2 of this Ordinance)
Lumberyards
Machine Shops and Sheet Metal Shops
Manufacture of apparel and other textile products
Manufacture of electrical and electronic equipment
Manufacture of food and related products
Manufacture of furniture and fixtures
Manufacture of glass products
Manufacture of leather products, including leather tanning and finishing
Manufacture of manufactured housing
Manufacture of paperboard containers and boxes, including sanitary
Manufacture of pottery and figurines or other similar ceramic products using only pulverized clay and kilns fired only by electricity or gas
Manufactures of small precision instruments, toys, novelties, rubber and hand stamps
Medical Marijuana Growers/Processors
Minor Solar Energy System
Newspaper or other publishing
Outdoor Storage (as defined in Article 2)
Printing Shops, lithographing, type composition, ruling and binding establishments
Public Uses (including sewage treatment plants for industrial sites only)
Public Utility Facilities
Public Water, Sewer and other Utilities (as defined in Article 2 of this Ordinance)

Repair Garages
Research and Testing Facilities
Sale of manufactured housing
Truck and freight terminals and distribution centers
Truck Warehouse
Warehouse and Distribution Facilities
Warehousing, including Self-Storage Facilities
Accessory Uses to the Above

505.2 USES PERMITTED BY SPECIAL EXCEPTION
ZONING HEARING BOARD APPROVAL REQUIRED

Bulk Fuel storage
Hazardous Substance; any use which utilizes and/or stores any hazardous substances as so defined in Article 2 of this Ordinance
Heavy Industry as so defined Article 2 of this Ordinance
Large Wind Energy Turbine
Machine Shops and Sheet Metal shops
Major Solar Energy System
Medium Wind Energy Turbine
Outdoor Advertising Signs
Refuse Transfer Stations
Sewage Treatment Plants
Small Structure Mounted or Tower Mounted Wind Energy Turbine
Steel Mini-Mills and such similar manufacturing uses
Stone and Monument Works
Tire Re-treading and Recapping
Trucking Facilities and Terminals
Wireless Commercial Communication Sites and Support Structures

505.3 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State Regulations, General Regulations contained in Article 3 and/or Supplementary Regulations contained in Article 8 of this Ordinance.

A. Minimum Lot area:

1. Twenty Thousand (20,000) square feet, subject to the lot being serviced by centralized sewers.

2. Forty-three thousand five hundred and sixty (43,560) square feet, one (1) acre when serviced by an on-lot sewage disposal system

B. Minimum Lot Width: One hundred (100) feet

C. Front Yard: The minimum front yard shall be not less than thirty-five (35') feet in depth as measured from the front lot line

D. Rear yard: The rear yard shall be not less than thirty (30') feet in depth as measured from the rear lot line; a rear yard setback of eighty (80') feet shall be required when the adjoining rear lot contains a residential use or a residential zoning district.

E. Side Yard: The side yard shall be not less than twenty (20') feet on each side when the adjoining lot contains a nonresidential use; a side yard setback of not less than eighty (80') feet shall be required for any side yard when adjoining lot contains a residential use or where it abuts a residential zoning district.

F. Lot Coverage: Not more than Sixty (60%) percent of the lot area shall be covered by buildings or structures and the total impervious surface shall not exceed ninety (90%) percent.

G. Building Height: The maximum height of any building shall not exceed sixty (60') feet except for chimneys, flagpoles, stacks, water tanks, towers, and other mechanical appurtenances that may be, but not exceed one hundred twenty-five feet (125'), except as provided for in Section 802.23 of this Ordinance.

505.4 SUPPLEMENTARY REGULATIONS (See Article 8 of this Ordinance)

505.5 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 506
I-2 HEAVY INDUSTRIAL

BUSINESSES ENGAGED IN THE FOLLOWING SERVICES/USES OR THOSE OF A SIMILAR NATURE

506.1 PERMITTED USES

Building, Lumber or Plumbing Supplies
Contractors' Offices, Shops and Storage Yards (for commercial uses electrical, masonry, fencing and related material).
Electronic Equipment and Products
Equipment Sales and Repairs
Gasoline Service Stations
Heavy Industry (as defined in Article 2 of this Ordinance)
Light Industry (as defined in article 2 of this Ordinance)
Lumberyards
Machine Shops and Sheet Metal Shops
Medical Marijuana Growers/Processors
Minor Solar Energy system
Outdoor Storage as defined in Article 2
Print Shops
Public Uses
Public Utility Facilities
Public Water & Sewer and other utilities (as defined in Article 2 of this Ordinance)
Repair Garages
Research and Testing Facilities
Stone and Monument Works
Tire Re-treading and Recapping
Trucking Facilities and Terminals
Utility Buildings and Storage Yards
Warehouse and Distribution Facilities
Warehousing, including Self-Storage Facilities
Accessory uses to the above

506.2 USES PERMITTED BY SPECIAL EXCEPTION ZONING HEARING BOARD APPROVAL REQUIRED

Adult Uses
Automotive Wrecking Yards
Bulk Fuel storage
Excavation of Natural Resources (as defined in Article 2 of this Ordinance)
Hazardous Substances: any use which utilizes and/or stores any hazardous substances as defined in Article 2 of this Ordinance
Junkyards

Large Wind Energy Turbine
Major Solar Energy System
Medium Wind Energy turbine
Small Structure Mounted or Tower Mounted Wind Energy Turbine
Solid Waste Facilities
Staging Areas
Transfer Stations
Wireless Commercial Communication Sites and Support Structures
Accessory Uses to the above

506.3 DIMENSIONAL REGULATIONS

A principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to State Regulations, General Regulations contained in Article 3 and/or Supplementary Regulations contained in Article 8 of this Ordinance.

A. Minimum Lot Area: Each principal building or use shall be located upon a lot having minimum lot area of not less than forty-three thousand five hundred and sixty (43,560) square feet, one (1) acre.

B. Minimum Lot Width: Each lot shall have a lot width not less than one hundred fifty (150') feet.

C. Front Yard: The minimum front yard shall be not less than fifty (50') feet in depth as measured from the front lot line, except when abutting a Residential District, where the minimum setback shall be not less than two-hundred and fifty (250') feet

D. Rear Yard: The rear yard shall be not less than fifty (50') feet in depth as measured from the rear lot line, except when abutting a Residential District, where the minimum setback shall be not less than two-hundred and fifty (250') feet.

E. Side Yard: The side yard shall be not less than twenty-five (25') feet on each sided, except when abutting a Residential district, where the minimum setback shall be not less than two-hundred and fifty (250') feet.

F. Lot Coverage: Not more than sixty (60%) percent of a lot shall be covered by buildings.

G. Building Height: The maximum height of any building shall not exceed sixty (60') feet except for chimneys, flagpoles, stacks, water tanks, towers, and other mechanical appurtenances that may be, but not exceed one hundred twenty-five feet (125'), except as provided for in Section 802.23 of this Ordinance.

506.4 SUPPLEMENTARY REGULATIONS (See ARTICLE 8 of this Ordinance)

506.5 SUBDIVISION AND LANDDEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 507
M-1 MINING DISTRICT

507.1 PERMITTED USES

Contractors' Building and Storage Yards
Excavation, extraction and reclamation of natural resources and minerals, as defined in Article 2, presently under current State and/or Federal Mining Permits
Light Industry (as defined in Article 2 of this Ordinance)
Minor Solar Energy System
Outdoor Storage
Processing and Storage of natural resources and minerals excavated and/or extracted
Public Uses
Stone and Monument Works
Utility Buildings and Storage Yards
Public Water & Sewer and other Utilities (as defined in article 2 of this Ordinance)
Accessory Uses to the above

507.2 USES PERMITTED BY SPECIAL EXCEPTION

Automotive Wrecking Yards
Bulk Fuel storage
Commercial Recreational Facilities
Excavation, extraction and reclamation of Natural Resources and minerals (as defined in Article 2 of this Ordinance) presently requiring new State and/or Federal Mining Permits
Hazardous Substances: any use which utilizes and/or stores any hazardous substances (as define in Article 2 of this Ordinance)
Large Wind Energy Turbine
Lumberyards
Machine Shops and Sheet Metal Shops
Major Solar Energy System
Medium Wind Energy Turbine
Small Structure Mounted or Tower
Mounted Wind Energy Turbine
Tire Re-treading and Recapping
Trucking Facilities and Terminals
Wireless Commercial communication sites and Support Structures
Accessory Uses to the Above

507.3 DIMENSIONAL REGULATIONS

A principal building, structure and/or use shall be governed by the following regulations, unless more restrictive standards are applicable, including but not limited to state regulations, General Regulations contained in Article 3 and/or Supplementary Regulations contained in Article 8 of this Ordinance.

A. Minimum Lot Area: Each principal building or use shall be located upon a Lot having a minimum lot area of not less than twenty thousand (20,000) square feet.

B. Minimum Lot Width: Each lot shall have a lot width not less than one hundred (100') feet.

C. Front Yard: The minimum front yard shall be not less than forty (40') feet in depth as measured from the front lot line.

D. Rear Yard: The rear yard shall be not less than fifty (50') feet in depth as measured front the rear lot line.

E. Side Yard: The side yard shall be not less than twenty-five (25') feet on each side.

F. Lot Coverage: Not more than sixty (60%) percent of a lot shall be covered by buildings.

G. Building Height: The maximum height of any building shall not exceed three (3) stories or forty (40') feet.

H. Pit and/or stripping: Excavations, extraction and reclamation of natural Resources as defined in Article 2 of this Ordinance, presently requiring new State and/or Federal Mining Permits shall have a minimum setback of not less Than one-thousand (1000') feet from the nearest inhabited residence measured To the closest extent of the active excavation.

507.4 SUPPLEMENTARY REGULATIONS (See ARTICLE 8 of this Ordinance)

507.5 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 508
C-1 CONSERVATION DISTRICT

508.1 PERMITTED USES

Agriculture
Forestry
Greenhouse, Nurseries and Garden Shops
Home Occupations
Minor Solar Energy System
Public Recreational Facilities
Public Uses
Public Water & Sewer and other Utilities (as defined in article 2 of this Ordinance)
Single-Family Dwellings
Two-Family Dwellings
Accessory Uses to the Above

508.2 USES PERMITTED BY SPECIAL EXCEPTION ZONING HEARING BOARD APPROVAL REQUIRED

Cemeteries
Commercial Recreational facilities
Excavation, extraction and reclamation of natural resources, (as defined in Article 2 of this Ordinance)
Large Wind Energy Turbine
Major Solar Energy system
Medium Wind Energy Turbine
Outdoor Advertising Signs
Private Recreational Facilities
Processing and storage of natural resources and/or minerals excavated and/or extracted
Small Structure Mounted or Tower Mounted Wind Energy Turbine
Wireless Commercial Communication Sites and Support Structures
Accessory Uses to the above

508.3 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, Unless a particular us is governed by additional standards, including but not limited to State Regulations, General Regulations contained in Article 3 and/or Supplementary Regulations Contained in article 8 of this Ordinance.

A. Minimum Lot Area: Each principal building, or use shall be located upon a lot having a minimum lot area of not less than one acre.

B. Minimum Lot Width: One Hundred Fifty (150') feet

C. Front Yard: The minimum front yard shall be not less than fifty (50') feet in depth as measured from the rear lot line.

D. Rear Yard: The rear yard shall be not less than fifty (50') feet in depth as measure from the rear lot line.

E. Side Yard: Each side yard shall be not less than twenty-five (25') feet on each side.

F. Lot Coverage: Not more than thirty (30%) percent of the total lot area shall be covered with buildings or structures.

G. Building Height: The maximum height of any building shall not exceed Two and one-half (2 ½) stories or thirty-five (35') feet.

508.4 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

SECTION 509
BP BUSINESSS PARK

509.1 PERMITTED USES

Call centers
Health clubs
Light Industry (as defined in Article 2 of this Ordinance)
Minor Solar Energy System
Nursing and Care Centers
Offices
Office Campus
Professional Office
Public buildings
Public recreation facilities
Research and development facilities
Schools and training facilities
Warehousing and distribution centers
Accessory uses to the above

509.2 USES PERMITTED BY SPECIAL EXCEPTION
ZONING HEARING BOARD APPROVAL REQUIRED

Airports
Heliports
Hotels and Motels
Medical Clinics
Medium Wind Energy Turbine
Private Recreation and amusement facilities
Public Utility buildings
Restaurants
Small Structure Mounted or Tower Mounted Wind Energy Turbine
Accessory uses to the above

509.3 DIMENSIONAL REGULATIONS

Each principal building, structure and/or use shall be governed by the following regulations, Unless a particular use is governed by additional standards including but not limited to State Regulations, General Regulations contained in Article 3 and/or Supplementary regulations Contained in Article 8 of this Ordinance.

A. Minimum Lot areas:

I. One (1) acre when serviced by centralized or public sewers.
2. Five (5) acres when serviced by on-lot sewage disposal system.

B. Minimum Lot Width: One hundred fifty (150') feet.

C. Front Yard: The minimum front yard shall not be less than forty (40') feet in depth as measured from the front lot line.

D. Rear Yard: The rear yard shall be not less than thirty (30') feet in depth as measured from the rear lot line when the adjoining rear yard contains a nonresidential use. A rear lot of not less than one hundred (100') feet shall be required when the adjoining rear lot line contains a residential use or a residential zoning district.

E. Side Yard: The side yard shall be not less than twenty (20') feet on each side when the adjoining side yard contains a nonresidential use. A side yard setback of not les than one hundred fifty (150') feet shall be required when the adjoining lot contains a residential use or a residential zoning district.

F. Lot Coverage: Not more than seventy (70%) percent of the lot area shall be covered by buildings, structures or other impervious surfaces, including parking area.

G. Building Height: The maximum height of any building shall not exceed three (3) stories or a maximum height of forty (40') feet above the existing grade.

509.4 SUPPLEMENTARY REGULATIONS (See ARTICLE 8 of this Ordinance)

509.5 SUBDIVISION AND LAND DEVELOPMENT

In addition to the applicable provisions of this Ordinance, any property proposed to be divided into parcels or developed in accordance with the definitions of a "Subdivision" or "Land Development", as contained within Hazle Township Subdivision and Land Development Ordinance shall also be subject to the governing regulations and provisions of the Hazle Township Subdivision and Land Development Ordinance.

ORDINANCE #2016-10-18-1

Hazle Township
Article 5
Health Care Overlay District (HCO)
September 29, 2016

Section 510 Health Care Overlay District

510. 1. Purpose.

A. To consolidate a broad range of resources that individually and collectively contribute to the promotion of wellness and enable the improvement and maximum recovery of health from physical and mental diseases, illnesses and injuries.

B. To provide opportunities for educational advancement, learning, and research related to wellness and health.

C. To create a logical transition between existing residential uses and health care uses that will protect and preserve the character of the surrounding residential neighborhood while permitting uses on the land within the HCO District as permitted hereby.

510. 2. Applicability and General Requirements.

A. The HCO District shall authorize development of health care related facilities and other uses allowed in this Article in a Health Care Campus within the land areas designated to be within such district on the Township Zoning Map. The HCO District is an overlay zoning district to the underlying zoning district. When an applicant proposes development of a Health Care Campus under the HCO zoning, the provisions of the underlying zoning districts shall apply except where provisions of the HCO District differ from provisions of other sections of the Zoning Ordinance or other Township ordinances regarding the same or a closely similar matter, in which case the provisions of the HCO District shall govern.

B. New principal buildings developed on a Health Care Campus shall be served by a public or central water system and public or central sanitary sewerage system, either by direct connection to such systems or by connection to existing campus water and/or sanitary sewerage systems, which systems are served by the public or central water and sewerage systems.

C. At least 2 accessways or driveways with a minimum width of 24 feet each shall be provided, each from a public street.

510. 3. Uses. The following uses shall be permitted by right in a Health Care Campus:

A. Hospital – A use that involves the observation, diagnosis, treatment, rehabilitation or other medical care of humans that includes care requiring stays overnight and that may also include out-patient care. A hospital may involve observation, diagnosis, treatment, rehabilitation or other care for medical, dental or mental health, but shall not include housing of the criminally insane. A hospital may also involve medical research and training for health care professions. A hospital shall meet all relevant licensing requirements of the Commonwealth of Pennsylvania.

B. Health Care Outpatient Facility – A medical facility, separate from or in conjunction with a hospital, which provides, on an outpatient basis, services such as medical testing, diagnostic testing, (including overnight observation or diagnostic testing), and may include drawing and/or testing of laboratory specimens, urgent or express care, surgery, treatment, rehabilitation, alternative medicine, and/or other health care-related services. A health care outpatient facility may include overnight stays by patients. A drug or alcohol clinic shall require approval by Special Exception.

C. Health Care Education Facility – A facility which provides education and/or research related to health care, health maintenance, wellness, and/or the business of health care. In addition, a college, university or trade school affiliated with an accredited medical, dental, or nursing school.

D. Health Care Office – Office uses may include offices for health care related professionals, administrative support offices for uses allowed in the HCO District, and offices and laboratories for drawing and testing of specimens, diagnosis, or health care research.

E. Wellness and Fitness Centers– Facilities that may be indoor and/or outdoor that offer educational and/or interactive programs for health care, health maintenance, wellness, and/or other health-related subjects, and/or facilities that may include health spas, weight rooms, exercise rooms, exercise equipment, exercise pools, and/or other similar exercise club or fitness center facilities, and may offer rehabilitation, therapy, and/or health maintenance, sports, or physical performance related training programs.

F. Health Care Residential Facility – A hospice, nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility, memory care facility, transitional care facility or similar living facilities, family lodging center, residence hall for students studying a health care field, accessory housing facilities for on-site medical staff, independent living facility, and hotel. A stand-alone nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility, memory care facility, transitional care facility or similar living facility shall include an area of no less than 70 percent of the building footprint area, proximate to the building,

suitable and developed for passive recreation use such as walkways and benches.

G. Adult and Child Day Care Centers – Facilities intended to serve family members of patients, staff, physicians, students and visitors to the Health Care Campus as a priority, but may also serve the public.

H. Health Care Commercial Facility and Uses – Facilities and/or uses such as the following: gift and card shops, flower and plant shops, sale of common health care-related items, sale of personal care items, the sale of convenience items and/or novelties, sale of items for fundraising, sale of food and beverages, cafeterias/cafes/food courts/restaurants or similar uses, coffee shop, vendor carts or kiosks for the sale of items listed above, bookstores, pharmacies/drug stores, stores for medical devices, medical uniforms, clothing, apparel and accessories, health food stores, convenience stores, florists, banks, financial institutions, automatic transaction machines, and personal care services such as barber shops or beautician shops, and laundry and/or dry cleaning as well as drive-through facilities for the above, or similar uses.

I. Health Care Accessory Facilities – Facilities that support health care uses in the HCO District, such as transportation related facilities (including for emergency transportation, such as but not limited to ambulances, transport vehicles and helicopters), heliports, fueling facilities, driveways, parking structures, parking lots and loading areas, buildings and facilities for utilities, maintenance, vehicle storage, equipment storage and other support services, communications towers and antennas, water storage tanks, standpipes and towers, medical gas storage tanks, temporary mobile treatment units or treatment tents and/or emergency services trailers or similar facilities to be erected only for the duration required to serve the needs of an emergency or public health occurrence and/or for periodic training, as well as recreation trails and non-commercial recreation facilities, and utilities and stormwater management facilities.

J. Other health care-related facilities and/or uses in the HCO District for which the applicant demonstrates such facilities and/or uses are similar in use and impact to the facilities or uses permitted by right in the HCO District shall be approved by Special Exception.

K. A building may include a single use or multiple uses as permitted above.

L. The noise and vibration limitations as included in sections of this Zoning Ordinance, or in other Township ordinances shall not apply to vehicles or helicopters routinely used for emergency transportation, including when such emergency vehicles or helicopters are not transporting patients.

M. The provisions of Section 802 with respect to buffers, open space, setbacks, and density shall not apply.

510. 4. Dimensional, Area, Coverage, and Parking Requirements.

A. Unless otherwise stated, all dimensional, area, coverage, and parking requirements shall apply to a Health Care Campus as a whole. A Health Care Campus may include contiguous land, and/or land separated only by a public or private street or utility easement, and shall be developed in a coordinated manner with coordinated access onto public roads and with coordinated internal driveways. A Health Care Campus may then be subdivided into smaller ground leases, or through condominium ownership of offices or buildings. Individual buildings, uses, and interior lease areas shall not be subject to individual parking, area, bulk, and yard requirements. Multiple principal and accessory uses shall be permitted on a lot and/or within a building.

B. Land areas within a Health Care Campus but within another municipality may be used to meet the dimensional, area and coverage requirements for a Health Care Campus as permitted in this Ordinance.

C. Minimum Tract Area – 40 acres.

D. Maximum Percent of Lot Coverage – 45 percent for all principal and accessory buildings on a Health Care Campus excluding parking structures.

E. Maximum Building/Structure Height – The maximum height for buildings shall be 5 stories for human occupancy on or above grade. The maximum height of parking structures shall be 60 feet above grade.

F. Minimum Yard Setbacks: The following minimum setbacks shall be measured from the perimeter of the Health Care Campus. Distances between buildings shall be a minimum of 30 feet or as required under the PA Uniform Construction Code, whichever is greater. Minimum yards shall not be required for individual lots or lease lots within a Health Care Campus, or from existing structures within a Health Care Campus. Required yard areas along public streets shall be maintained with vegetative cover except where crossed by drives, storm sewer outfall structures, pedestrian paths, bicycle paths, or walks or unless such area was previously approved for other purposes.

(1) Abutting the right-of-way of a public street – 35 feet.

(2) Abutting any other perimeter lot line of the Health Care Campus where a larger setback is not specified – 25 feet.

(3) A Heliport shall be set back a minimum of 300 feet from any residentially used lot and the Heliport landing/take-off area shall be surrounded by a fence not less than 4 feet in height.

510. 5. **Minimum Building and Parking Structure Setback.** Minimum building and parking structure setback from a residentially used property – 75 feet, this 75-foot setback shall not apply to residentially used property owned by the owner of the Health Care Campus or an affiliate, the Township, a utility authority or a utility company.

510. 6. **Buffer Requirements.** Where buffer yards or screens are required in this Ordinance or other Township ordinances, they shall not be required if the abutting property is owned by the owner of the Health Care Campus or an affiliate, the Township, a utility authority, or a utility company.

510. 7. **Off-Street Parking and Loading.** Off-street parking and loading requirements shall be in accordance with Article 11 of the Zoning Ordinance, except that parking shall be counted as the total spaces required for the entirety of the Health Care Campus. Parking spaces within a Health Care Campus but in another municipality may be counted toward meeting the required off-street parking for the Health Care Campus.

510. 8. **Signs.** Signs on a Health Care Campus shall be in accordance with Article 10 of this Zoning Ordinance except as modified in this Section.

A. Wall signs, banner signs mounted to walls (banner signs), and window signs shall be permitted. Wall signs, banner signs, and window signs shall be limited in the aggregate to 15 percent of the area of the faces of buildings on which they are placed, except that wall signs, banner signs, and window signs facing an abutting residentially used property shall be limited in the aggregate to 10 percent of the area of the faces of buildings on which they are placed.

(1) Wall signs, banner signs, and window signs shall be restricted in height only to the extent that the tops of such signs shall not be placed at an elevation higher than the highest part of the building, including stair towers, penthouses or roof mounted equipment screens on which they are placed.

(2) Where a sign consists of individual letters, symbols or emblems attached to or painted directly on a building or window, other than an illuminated background that is part of the sign, the sign area shall be the smallest rectangle or circle, or two or three smallest rectangles or circles that include all of the letters, symbols, and emblems.

B. Up to two freestanding identification signs of up to 250 square feet in area on each of two sides may be placed at each public or private street or entrance drive to a Health Care Campus. Such signs shall be limited to 20 feet in height.

C. Pole mounted flag or pennant signs made of fabric or fabric-like polymers shall be permitted along the driveways, walkways, plazas and in parking lots within a Health Care Campus. Such flag or pennant signs shall be kept in good repair and shall be removed promptly if torn, tattered or faded. Pole mounted flag and pennant signs shall not exceed 24 square feet in area on each of two sides, except that flag or pennant signs within 100 feet of a building entrance may be up to 40 square feet in area on each of two sides.

D. Signs displaying the donor names of buildings or structures shall be permitted at a height no greater than the top of building or structure. Such signs shall utilize letters no greater than 30 inches in height and shall not be internally illuminated. These signs shall be in addition in area to signs permitted in Section 510.8.A.

E. In addition to other signs, one on-premises freestanding electronic or digital message sign shall be permitted. Such sign shall be limited in changeable electronic or digital message area to 500 square feet on each of two sides. The sign may only be used to display the name of the facility/owner and logo, health care-related messages and advertisements, and non-health care-related messages limited to community or municipal information and events. A sign face shall not change its message more frequently than once every 10 seconds. In addition to the electronic or digital message area, the sign may include an area of 200 square feet of fixed (non-changing) sign area on each of two sides for the display of the name and logo of a health care entity. The maximum height of any free standing sign is 50 feet with a minimum 9 ft. vertical clearance . The sign may be positioned and set at a height to be visible from Airport Road. The light intensity of the sign shall be automatically controlled to permit the light intensity to be reduced during non-daylight hours.

F. Temporary signs or banners similar to the signs permitted above shall also be permitted.

G. Signs used for wayfinding within the Health Care Campus shall not be regulated.

This Ordinance shall be effective immediately upon adoption and passage by the Township.

ORDAINED AND ENACTED into law this 18th day of October, 2016.

TOWNSHIP OF HAZLE

ATTEST:

By: _____
James Montone, Chairman

Francis E. Boyarski, Secretary

By: _____
William J. Gallagher, Vice-Chairman

ARTICLE 6 SPECIAL EXCEPTIONS

SECTION 601 PURPOSE:

The purpose of a use classified as a "special exception" is to provide expressed standards for regulating unique or special characteristics of certain uses which may otherwise allow such uses to be permitted by right within their respective zoning district, as provided in Article 5, Zoning District regulations.

SECTION 602 GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted by special exception shall be vested in the Zoning Hearing Board in accordance with the provisions contained in Article 14. Decisions by the Zoning Hearing Board shall be made pursuant to the standards and criteria set forth in this article (Section 1404), the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, other ordinances of the Township and any applicable State and/or Federal laws or regulations.

SECTION 603 SITE PLAN

Uses classified as a special exception shall file, in addition to a zoning permit, a site plan at a scale of not greater than (1") inch equal fifty (50') feet, for properties less than twenty (20) acres; one (1) inch equals one hundred (100') feet for properties twenty (20) acres to one hundred (100) acres; and, one (1") inch equals four hundred (400') feet for properties over one hundred (100) acres, which shall be submitted to the Zoning Office. Such plan shall provide all applicable information required for the Zoning Hearing Board to render a decision, including but not limited to the following:

A. The location and size of all buildings and structures, both principal and accessory.

B. The location of all off-street parking areas and/or loading areas.

C. The location of all open space areas, including buffer areas and fencing, if applicable.

D. Traffic access to the site and internal traffic circulation within the site.

E. All streets, both public and private, within five hundred (500') feet of the site.

F. Contours of the site for each twenty (20') feet of change in elevation.

G. The location, nature and terms of any existing or proposed easements on the site and any easements both on-site and off-site which are used or intended to be used for access to the site.

H. Streams, ponds, watercourses, wetlands or any other type bodies of water, including natural or man-made drainage swales, located on the site and/or within five hundred (500') feet of the site.

I. The location of any residential structure within five hundred (500') feet of any property boundary line of the subject site.

J. The Map, Block and Lot Number of the subject parcel.

K. A location map at a scale of not greater than one (1") inch equals two Thousand (2,000') feet, indicating the relation of the site to its geographic proximity within the Township.

L. A narrative outline which fully describes the proposed use of the site and the pertinent operational aspects and features of the proposed use.

SECTION 604 GENERAL STANDARDS

The general standards contained herein, in addition to all other applicable regulations, shall be utilized in the review of applications and plans for any use which is classified as a special exception.

A. The proposed use shall be substantially consistent with the objectives of the Township's Community Development Objective of this Ordinance as contained in Article 1, and shall not adversely affect the health, safety, welfare and convenience of the public or adversely affect the environment by being in substantial compliance with the following subsections.

B. Public services and facilities such as streets, sewage disposal, water, police and fire protection shall be adequate for the proposed use.

C. Existing streets and access to the site shall be adequate to accommodate emergency vehicles and anticipated traffic volumes in a manner that avoids undue traffic congestion and provides for the safety and convenience of pedestrian and vehicular traffic.

D. The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size relative to the proposed use and the nature and intensity of the operation involved.

E. The relationship of the proposed use to other activities shall not be substantially offensive to the character of the area.

F. The proposed use shall not be more objectionable in its operation in terms of noise, fumes, smoke, vapors, gases, odors, heat, glare, vibration, lighting or electrical disturbances than would be the operation of any permitted use in the district.

G. Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be imposed by the Zoning Hearing Board in the interest of protecting the health, safety and welfare of the public.

SECTION 605 STUDIES

If deemed necessary, the submission of any studies and/or reports may be required, which Conclusively demonstrates that the proposed use or development will not have a negative Impact upon the particular subject or subjects as defined by the Zoning Hearing Board Including but not limited to the interest of protecting the health, safety and welfare of the Public and environmental features and characteristics of the site and/or surrounding areas.

ARTICLE 7 PLANNED RESIDENTIAL DEVELOPMENT

SECTION 701 – PURPOSE

This district is to provide a land use control device which combines elements of both zoning and Subdivision regulations and brings together mixed land development and open space within the same Development. The basic concept is the establishment of a certain overall density for development, percentage of open space and permission for the developer to develop with considerable flexibility provided specific criteria are met, Therefor Planned Residential Development (with institutional, Commercial offices and retail uses) is permitted as a Conditional Use in specific Zoning Districts that Permit residential uses. (R-1, R-2, B-1, B-2, C-1). The intent of a "PRD" District is:

A. To encourage innovations in residential development for greater variety, efficient use of open space and conservation of natural features.

B. To provide greater opportunities for better housing and recreation in the Township.

C. To encourage a more efficient use of land and services so that economies may benefit those who need homes and neighborhood facilities.

D. To provide a process which can relate the type, design and layout of residential development to the particular site and demand for housing, in a manner consistent with the preservation of the property values within existing residential areas and to assure that the increased flexibility of regulations over land development is carried out pursuant to sound, expeditious and fair Administrative standards and procedures.

E. Conditional Use: Uses to be allowed or denied by the Hazle Township Supervisors pursuant to public notice and hearing and recommendations by the Planning Department and pursuant to express standards and criteria as set for in the Zoning Ordinance governing such uses. in allowing a conditional use, the supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as the Board may deem necessary.

SECTION 702 – VESTED AUTHORITY

The administration of the provisions of this article including the review, approval or disapproval of Plans shall be vested with the Hazle Township Board of Supervisors.

SECTION 703- ELIGIBILITY REQUIREMENTS

Any application for "PRD" approval shall, at minimum, meet the following requirements:

A. The proposed land area for tentative approval shall comprise one or more contiguous parcels of land under single ownership.

B. The proposed Planned Residential Development shall be served by public or private central water supply system and by central sewers.

C. Planned Residential Developments shall contain the minimum acreage for each Zoning District as required by Section 705 Table 1.

D. Annexation of property not previously included in prior PRD tentative plan approval shall be individually subject to all requirements of this ordinance, (i.e., density, open space, etc.) and a separate district approval.

SECTION 704 – USE REGULATIONS

A. Residential Use: The principal permitted use shall be single family detached residential homes and shall consist of a minimum of two (2) of the following additional styles:

1. Single-family attached dwellings (Twins)
2. Townhouses
3. Multi-family Dwellings (Apartments)

B. Accessory Uses: Customary accessory uses and buildings to the above shall be permitted in accordance with the applicable provisions of this Ordinance.

C. Sales Offices shall be permitted as an accessory use to any Planned Residential development containing in excess of 15 lots or dwelling units. As such, sales offices shall be house in a building in keeping with the principal residential character of the property and comply with the applicable sign provisions.

D. Nonresidential uses designed and intended to serve residents of the proposed development that are compatible and harmoniously incorporated into the unitary design of a proposed Planned Residential Development may be permitted by recommendation of Planning Department and approval of the Supervisors, including:

1. Commercial uses such as retail stores or shops, service businesses and restaurants.
2. Professional or business offices, including branch banks
3. Institutional uses such as public or private schools, nursery schools, day care centers, Churches, community activity centers and retirement homes.
4. Golf areas
5. Ski areas
6. Hotels or Lodges
7. Minor Solar Energy systems

E. No industrial uses shall be allowed nor shall any use be allowed which utilizes or Stores "Hazardous Substances" as defined in Article 2 of the Zoning Ordinance.

704.2 USES PERMITTED BY SPECIAL EXCEPTION ZONING HEARING BOARD REQUIRED

1. Large Wind Energy Turbine
2. Major Solar Energy System
3. Medium Wind Energy Turbine
4. Small Structure Mounted or tower Mounted Wind Energy Turbine

SECTION 705 LAND USE DENSITY REGULATIONS

A. The density for the total area of a Planned Residential Development shall be based upon an average gross density not to exceed the number of dwelling units per acre as indicated In Tables I, II, or III below, based on the current Zoning District.

B. The percentage of the Planned Residential development site which is to be covered by Buildings, roads, parking areas and other impermeable cover shall not exceed thirty (30) Percent of the total area available for development (see 707 E).

C. Areas for designated commercial use shall not exceed the following:

20 to 100 acres - 10% of site area
Over 100 to 150 acres- 8% of site area
Over 150 to 250 acres- 7% of site area
Over 250 acres and up - 6% of site area

D. Lot coverage of commercial buildings shall not exceed twenty-five (25) percent of the land area designed for commercial use.

E. Site Analysis Requirements

1. Natural Features Analysis -In order to determine which specific areas of the total PRD site are best suited for high density development and which areas should be preserved in their natural state as open space areas, the developer shall submit a Natural Features Analysis identifying the area of the following subject categories:

   a) Hydrology Features
   b) Geology Features
   c) Soils Type and Summary
   d) Topography including Steep Slopes
   e) Vegetation and Wetlands
   f) Rock Outcrops
   g) Other Important Natural Features

2. Community Impact Analysis: In order to determine the impact of the Planned Residential Development upon the municipality, an analysis of the potential effects of the Planned Residential development upon public facilities, utilities and roadway systems shall be required. The Planning Department or Supervisors may require a market analysis which estimates potential market demands for various types of housing in the area of the proposed Planned Residential Development. This Community Impact Analysis shall include a projection of direct current, public costs and revenues to the Township associated with such a development compared to a conventional subdivision in the same area.

PLANNED RESIDENTIAL DEVELOPMENT
DIMENSIONAL REGULATIONS BY
ZONING DISTRICT AND RESIDENTIAL USE

Table 1 – Maximum Density					
Zoning District	R-1	R-2	C-1	B-1	B-2
Overall Residential Density – No Exclusions (Units per gross acreage)	--	--	--	--	--
Minimum Gross Tract Acreage	30	25	50	30	30

Table II – Mix of Housing Types (Minimum Three Types Required)					
Zoning District	R-1	R-2	C-1	B-1	B-2
Single Family Detached (Minimum % Required)	40%	30%	40%	40%	40%
Single Family Attached (Twins or Townhouses) Maximum % Allowed)	40%	50%	40%	40%	40%
Multi Family (Maximum % Allowed)	20%	20%	20%	20%	20%

Table III – Minimum Lot Are and Lot Width (Measured at Front Building Setback Line)					
Zoning District	R-1	R-2	C-1	B-1	B-2
Single Family Detached	100 ' wide	8,000 s.f.	15,000 s.f.	8,000 s.f.	80' wide
Single Family Attached	2,400 s.f	2,000 s.f. 20'	3,000 s.f	2,000 s.f	2,000 s.f. 20'
Multi -Family	See Township Subdivision Regulations Section for Multi-Family Dimensional Regulations				

Table IV – Minimum Building				Setback Requirements (1)			
Zoning District	R-1	R-2	C-1	R-1	R-2	All Zone Height	Max. Stories
Single Family Detached	F = 35' R = 30' S = 10'	F = 30' R = 30' S = 10'	F = 35' R = 30' S = 15'	F = 30' R = 30' S = 15'	F = 35' R = 30' S = 10'	35'	2.5
Single Family Attached	F = 25'	F = 20'	F = 30'	F = 20'	F = 20'	35'	2.5
(Twins or Townhouses)	R = 20' S = (2)	R = 20' S = (2)	R = 35' S = (2)	R = 30' S = (2)	R = 30' S = (2)		
Multi – Family	See Township Subdivision Regulations Section For Multi Family Dimensional Regulations					35'	3.0
(1) Setbacks shall be measured from and shall not include any required buffer areas.							
(2) End Units – 15' Side Yard – Inside Units Have No Side Yard Requirements F = Front R = Rear S = Side							

(Twins or Townhouses)	R = 20' S = (2)	R = 20' S = (2)	R = 35' S = (2)	R = 30' S = (2)	R = 30' S = (2)		
Multi-Family	See Township Subdivision Regulations Section For Multi Family Dimensional Regulations					35'	3.0
(1) Setbacks shall be measured from and shall not include any required buffer areas.							
(2) End Units – 15' Side Yard – Inside Units Have No Side Yard Requirements F = Front R = Rear S = Side							

SECTION 706 – DIMENSIONAL REGULATION

A. Site Design Requirements

1. Residential Uses:

a) Dwelling unit structures shall be located and interspersed so as to promote pedestrian and visual access to common open space.

b) For multiple units on same parcel, interior yards and/or structural spacing between dwelling units shall be provided in accordance with the following minimums:

Front to Front	-	60'
Front to Side		
Front to Rear	-	60'
Side to Rear	-	40'
Side to Side	-	30'
Rear to Rear	-	50'
Corner to Corner	-	10'

c) The following minimum spacing to an adjoining property line shall be provided as a buffer when the perimeter boundary abuts:

An Industrial Zone (Developed or Vacant)	-	75'
A Commercial Zone (Developed or Vacant)	-	60'
A Conservation Zone (Developed or Vacant)	-	50'
A Residential Zone with Existing Residences 100 feet or more from property Line.		20'
A Residential Zone (Developed or Vacant)		40'
Residences in any other Non-Residential Zone	-	50'

d) All required buffer areas are to be planted in accordance with applicable Sections of the Hazle Township Subdivision Requirements.

e) Dwelling unit structures shall be located and arranges so as to promote privacy for residents within the Planned Residential Development and maintain privacy for residents adjacent to it. Structures shall be located within the Development so that there will be no adverse impact such as excluding natural light or invading the privacy of adjacent structures.

B. Commercial Uses:

1. Commercial uses may be a requirement and a reasonable condition of approval by the Hazle Township Supervisors.

2. Commercial uses are preferred in a single, concentrated area.

3. All commercial uses shall be located with direct access to at least one collector road.

4. Commercial signs shall comply with the current municipal sign ordinance and shall be Permitted subject to the following.

a) A single sign for the commercial center shall be permitted provided such sign face shall be limited to a height of six (6) feet with a total area of fifty (50) square feet.

b) Signs for individual uses shall be located on the face of structure and shall be no more than thirty (30) square feet in area.

SECTION 707 – COMMON OPEN SPACE AND GREENWAYS

A. Common open space shall be designed as an integral part of the Planned Residential Development. Greenways shall be designed in compliance with 707.F.10

B. Significant natural features such as woodland areas, large trees, natural water courses and bodies of water, rock outcroppings and scenic views shall be incorporated into common open space areas whenever possible. A minimum of 15% of the total common open space area provided shall be suitable for use as an active recreation area.

C. The uses authorized for the common open space must be appropriated to the scale and character of the Planned Development, considering its natural features, size, land use intensity, potential population and the number and types of dwelling units to be developed. common open space as referred to in this Ordinance may include, but is not limited to, golf courses and any other amenities open for public use for a fee.

D. A minimum of 15% of the net tract area shall be devoted to Class B common open space. common open space may include up to 50% of the total area provided for uses such as public golf courses or public ski areas. An area designated Class B common open space on an approved plan may not be designated as Class B common open space on a subsequent plan or subsequent phase of a plan of development.

E. Common open space shall be determined by a complete natural features resource inventory analysis. The tract's resources shall be delineated on an Existing Resources and conditions Plan and include, at a minimum, all existing geologic formations, topography, slopes between 15 – 20%, slopes over 20%, ponds, streams, swales, flood hazards, wetlands, vegetative cover, ridges, roads, streets, buildings, easements, rights-of-way, rock, outcrop, encumbrances and other special features.

The following analysis shall be required to document the design process:

Step 1: Delineation of open space and Development Acres.

Open space and development areas shall be delineated according to the following procedures:

EXAMPLE

Total Tract Area	100 Acres
Less: Class A Land that may be Unsuitable for development (see a, below)	-30 Acres (a)
= Net Tract Area (NTA)	70 Acres
Less Clas B areas (15% of NTA	-10.5 Acres (b)
Total Area Available for Development	= 59.5 Acres

a. All lands deducted from the gross tract to determine net tract area, (i.e., floodplains, wetlands and slopes over 20 percent, natural flowing waters of the Commonwealth including minimum 50' buffer form center line, rock outcrops, alluvial soils and buffer areas shall be delineated in their entirety as class A open space areas (comprising 30 acres in this illustration)>

b. Additional minimum acreage requirements for open space areas consist of Class B lands, to be calculated on the basis of the standards in the Township Zoning Ordinance. In the example, a minimum of 15% of the adjusted tract (or 10.5 acres) must be Class B open space. A maximum of 5.25 acres may be public recreation use, such as golf course or ski area.

c. Total open space requirements are the sum of Class A and B lands which, in the example, comprise 40.5 acres. (15% must be active, see Section 707B)

d. The locations and boundaries of Class A lands shall follow the actual boundaries of floodplains, wetlands and slopes as indicted on approved resource plan.

e. The locations and boundaries of Class B lands shall be based upon the applicant's analysis of the tract's resource features. The applicant shall also be guided by any recommendations provided by the Township Supervisors and Planning Department in the delineation of Class B lands.

f. Development areas constitute the remaining lands of the tract outside of the designated open space areas, which in this example consist of 59.5 acres, where house sites, streets and lots may be delineated.

g. Disturbance allowed in open space: Minor land disturbance (such as road and utility crossings) are allowed in Class A open space lands at the discretion of the Township Engineer and if all applicable permits are received. Storm water Detention Basins, drainage swales and underground utilities are

allowed only in Class B open space lands. Active Recreational areas may be Permitted in Class A open space lands b the Board of Supervisors approval.

Step 2: Location of House Sites

a. Applicants shall identify house site locations in the tract's designated development areas, designed to: fit the tract's natural topography, served by adequate water and sewerage facilities and provide views of and access to adjoining open space areas (without encroaching upon them in a manner visually intrusive to users of such areas.) House sites should be generally located not closer than 30 feet from Class A and Class B open space.

b. Housing sites shall be shown on the tentative plan. House site locations submitted with concept and/or preliminary plans shall be consistent with approved tentative plans. Significant variations from tentative plan may serve as the basis for denial of final plan by the Board unless the Applicant can demonstrate that the variations are generally consistent with the intent of the resource conservation plan and in the developments public interest.

Step 3: Alignment of Streets

a. With house site locations identified, applicant shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.

b. Streets shall avoid or at least minimize adverse impacts on the open space. to the greatest extent practicable, wetland crossings and traversing slopes over 15 percent shall be avoided.

c. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels).

Step 4: Design of Lot Lines

a. Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner

F. Resources to be Conserved. The design of open lands in any subdivision or land Development plan shall reflect the standards set forth in this ordinance and to the fullest extent possible, incorporate any of the following resources as the occur on the tract:

1. Stream channels, floodplains, wet soils, swales, springs and other lowland areas, Including adjacent buffer areas which may be required to insure their protection.

2. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.

3. Moderate to steep slopes, particularly those adjoining streams, water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.

4. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.

5. Hedgerows, groups of trees, large individual trees of botanical significance and Other vegetation features representing the tract's rural past.

6. Significant natural areas of species listed as endangered, threatened or of special Concern, such as those listed in the Pennsylvania Natural Diversity Inventory.

7. Historic structures and sites.

8. Visually prominent topographic features such as knolls, hilltops and ridges, and Scenic view as seen from public roads (particularly those with historic features).

9. Existing trails connecting the tract to other locations in the Township.

10. Greenways: The configuration of proposed Greenway lands set aside for common Use in a Planned Residential development shall comply with the following standards:

    a. They shall be free of all structures except historic buildings, stone walls and structures related to Greenway uses.

    b. They shall generally not include parcels smaller than three acres have a length-to-width ratio of less than 4-1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.

    c. They shall be directly accessible to the largest practible number of lots within the Development. Non-adjoining lots shall be provided with safe and convenient open space pedestrian access to Greenway land which shall not be part of any parcel or lot.

    d. They shall be suitable for active recreational uses to the extent deemed necessary by the Board, without interfering with adjacent dwelling units, parking, driveways and roads.

    e. They shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the Development,

    f. They shall provide buffers to adjoining parks, preserves or other protected lands.

    g. They shall provide for pedestrian pathways for use by the residents of the Development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathways system within the Township. Provisions should be made for access to the open

    space lands, as required for land management and emergency purposes.

h. They shall be undivided by public or private streets, except where necessary for proper traffic circulation.

i. They shall be suitably landscaped wither by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources.

j. They shall be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the County Recorder of Deeds as may be required by the Board for the purpose of preserving the common open space for such uses.

k. Ownership and Maintenance, Applicant shall demonstrate compliance with open space ownership and maintenance standard in the Hazle Township Zoning Ordinance. A maintenance agreement for the open space that designates ownership and all maintenance responsibilities of the open space to the developer or a homeowners' association must be submitted. The township shall not be responsible for ownership or maintenance.

SECTION 708 – STREETS, SEWER AND WATER UTILITIES, STORM DRAINAGE AND SOIL EROSION CONTROL, CURBS AND GUTTERS AND SIDEWALKS

A. Streets, sewer and water utilities, storm drainage and soil erosion control, curbs and gutters and sidewalks shall be designed and improved in accordance with requirements and standards as set forth in the Township Subdivision and Land Development Ordinance.

B. Performance and maintenance guarantees and subsequent release for guarantees for all required improvements shall be in accordance with the applicable requirements and procedures of the Township Subdivision and Land Development Ordinance and the Township Storm Water Ordinance.

C. Off-street parking and loading facilities shall be in accordance with applicable section of the Municipal Ordinance.

D. Other Utilities

1. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.

2. Telephone, electric and cable television utilities shall be installed underground. The Hazle Township Supervisors may consider overhead service via pre-approved waiver and recommendation of Planning Department.

SECTION 709 – TREE CONSERVATION AND LANDSCAPING

A. The protection of trees six (6"0 inches or more in diameter (measured at a height of four and one-half (414) feet above the original grade shall be a factor in determining the location of open space, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed whenever possible.

B. Where extensive natural tree cover and vegetation do not exist and/or cannot be preserved on The Planned Residential development Site, landscaping shall be regarded as an essential

feature of the Planned Residential Development Site, landscaping shall be undertaken in order to enhance the appearance of the Planned Residential Development, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of dwelling units.

SECTION 710 – OWNERSHIP, MAINTENANCE AND PRESERVATION OF COMMON OPEN SPACE

A. For the purpose of ownership, maintenance and preservation of common open space, the Developer shall establish a Homeowners' Association.

B. In the event that the organization established to own and maintain a common open space, or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition and said notice shall include a demand that such deficiencies of maintenance shall be corrected within thirty (30) days thereof and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the Planned Residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Township, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of common open space shall call a public hearing upon notice to such organization, or to the residents and owners of the Planned Residential Development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, at its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. the decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.

C. The cost of such maintenance by the Township shall be assessed ratably against properties in the Planned Residential Development that have a right of enjoyment of the common open space and shall become a lien on said properties At the time of entering upon said common open space for the purpose of maintenance, the township shall file a notice of lien in the Office of the Prothonotary of Luzerne County, upon the properties affected by the lien within the Planned Residential Development.

D. An offer of dedication of common open space made by the developer on the land Development plan, before the establishment of any organization responsible for open Space areas and, if accepted by resolution or ordinance of the Township, may constitute a

fulfillment of responsibility for providing and maintain common open space areas to the Township.

SECTION 711 – DEVELOPMENT IN STAGES

A Planned Residential Development may be developed in stages if the following conditions are met:

A. The location and approximate duration of construction of each stage are clearly marked on the Development plan.

B. To encourage flexibility of housing density, design and type, gross residential density may be Varied from stage to stage if the following criteria are met:

1. At least fifteen (15%) percent of the dwelling units in the Development Plan are are included in each stage.

2. At least fifty (50%) percent of the dwelling units in any stage shall be completed before any commercial development shown in that stage be initiated.

3. Every subsequent stage is completed consistent with the Development Plan and of such size and location that they constitute economically sound units of development. in no event shall such stages contain less than fifteen (15%) percent of the dwelling units included in the development plan.

4. An overall residential density in one stage may exceed the permitted density for the entire Planned Residential Development if offset by a reduction in density in the next subsequent stage which is 15% less than the permitted overall residential density.

SECTION 712 – PROCEDURAL REQUIREMENTS FOR TENTATIVE APPROVAL

A. The application for tentative approval shall be submitted by or on behalf of the land owner to the Township Secretary in accordance with Article VII of the Pennsylvania Municipal Planning Code.

1. The proposed land use area within the Planned Residential Development distinguishes Between types of residential, non-residential and open space uses.

2. The land use density for each land use within the Planned Residential Development and the average gross residential density for the entire Planned Residential Development.

3. The use and the approximate height, bulk and location of buildings and other structures.

4. The location, function, size, ownership and manner of maintenance of common open space.

5. The substance of covenants, grants of easements or other restrictions to be imposed for grants and/or easements for common open space areas and public utilities and the legal form of provision thereof.

6. In the case of plans which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the Planned Residential Development are intended to be filed and the approximate number of dwelling units and types of dwelling units planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.

7. Site development plans shall be drawn at a scale no smaller than one (1) inch equals One-hundred (100') feet or as approved by Municipal Engineer.

8. Copies of the site plan and supporting data included in the tentative approval Application shall be submitted for review and comment to the applicable agencies as Required for Preliminary Plan approval in the Township Subdivision and Land Development Ordinance.

SECTION 713 – PUBLIC HEARINGS

A. Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to this Section, a public hearing pursuant to public notice on Said application shall be held by the Board of Supervisors in the same manner as prescribed Before the Zoning Hearing Board.

B. The Board of Supervisors may continue the hearing from time to time and where applicable, May refer the matter back to the Planning Department for a report provided, however, in that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the Date of the first public hearing.

SECTION 714 – FINDINGS

A. The Township shall, by official written communication to the landowner, within sixty (60) days Following the conclusion of the public hearing provided for under this Section, either:

1. Grant tentative approval of the Development Plan as submitted, or

2. Grant tentative approval subject to specified conditions not included in the Development Plan as submitted, or

3. Deny tentative approval to the Development Plan.

B. Failure to so act within said period shall be deemed to be a grant of tentative approval of the Development Plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within sixty (60) days after receiving a copy of the official written communication of the Township, notify such agency of refusal to accept all said conditions, in which case, the Township shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Township of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

C. The grant of or denial of tentative approval by official written communications shall include not Only conclusions but also findings of fact related to the specific proposal and shall set forth the Reasons for the grant, with or without conditions, or for the denial and said communication

Shall set forth with particularly in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusion on the following:

1. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.

2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

3. The purpose, location and amount of the common open space in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

4. The physical design of the development plan and the manner in which said design does or does not make adequate provisions for the public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.

5. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed.

6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the Planned Development in the integrity of the Development Plan.

7. The feasibility of proposals for energy conservation and the effective utilization of Renewable energy sources.

D. In the event a development Plan is granted tentative approval, with or without conditions, the Township shall set forth in the official written communications the time within which an application for final approval of the development Plan shall be filed or, in the case of a Development Plan which provides for development over a period of years, the period of time Within which applications for final approval of each part thereof shall be filed. Except upon the Consent of the landowner/developer, the time so established between grant of tentative approval And any application for final approval shall not be less than three (3) months and in case of Developments over a period of years, the time between applications for final approval of each Part of a plan shall be not less than twelve (12) months.

SECTION 715 – STATUS OF PLAN AFTER TENTATIVE APPROVAL

A. The official written communication provided for above shall be certified by the Secretary of the township and shall be filed in his office and a certified copy shall be mailed to the applicant.

B. Tentative approval of a Development Plan shall not qualify a plat of the Planned Residential

Development for recordings not authorized development or the issuance of any building permits. A Development Plan which has been given tentative approval with conditions which have been Accepted by the landowner (and provided that the landowner has not defaulted nor violated Any of the conditions of Tentative Approval) shall not be modified or revoked not otherwise Impaired by action of the Township pending an application or applications for final approval, Without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

C. In the event that a Development Plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said Development Plan and shall so notify the official review agency in writing, or in event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval as not been given shall be subject to the local ordinances otherwise applicable thereto as they may be amended form time to time and the same shall be noted on the Zoning Map and in the records of the secretary of the Township.

SECTION 716 – PROCEDURAL REQUIREMENTS FOR FINAL APPROVAL

A. An application for final approval may be for all the land included in a development plan or, to the Extent set forth in the tentative approval, a section thereof. Said applications shall be made to The Township Secretary and within the time or times specified by the official written Communication granting tentative approval. If the application for final approval is in compliance With the tentatively approved development plan, a public hearing need not be held.

B. The application for final approval shall be in accordance with the design and improvement Requirements for Final Plans continued in the Township Subdivision and Land Development Ordinance, at a scale not smaller than one (1) inch to one hundred (100') feet. In addition, the Following information shall be required:

1. Total acreage of development, land uses in each area, total number of dwelling units, number of each type of dwelling unit, average gross residential density, and gross residential density in each section.

2. Building coverage lines accurately locating all types of dwelling units and non-residential structures, giving dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas, with distances accurate to the nearest foot.

3. Accurate dimension of common space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. where common open space areas are to be developed, the location of structures in common open spaces areas shall be illustrated.

4. In the case of a Planned Residential Development proposed to be developed over a period of years, final plan requirements will apply only to the section for which final approval is being sought. However, the final plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water

distribution systems and street systems presented for the entire development in the application for tentative approval.

5. At the option of the Planning Department, architectural drawings illustrating exterior designs of each type of typical dwelling unit and non-residential structures to be constructed.

6. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency

7. Restriction of all types which will run with the land and become covenants in the deeds of lots shown on the final plan.

8. Such certificates of approval by authorities as have been required by the Township including certificates approving the water supply system and the sanitary sewer system.

SECTION 717 – GUARANTEE OF IMPROVEMENTS

A. In the event the application for final approval has been filed, together with all drawings, Specifications and other documents in support thereof, as required, and the official written Communications of tentative approval, the Township shall, within forty-five (45) days of such filing, grant such Development Plan final approval.

B. In the event the Development Plan as submitted contains variations from the development Plan given tentative approval, the Township Board of Supervisors may refuse to grant final Approval and shall, within forty-five days from the filing of the application for final approval, to Advise the landowner in writing of said refusal, setting forth in said notice the reasons why one (1) or more of said variations are not in the public interest. In the event of such refusal, the Landowner may either:

(1) Re-file his application for final approval without the variations objected.

(2) File a written request with the Township Board of Supervisors that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall already have passed at the time when the landowner was advised that the Development Plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed for public hearings on applications for tentative approval. Within (30) days after the conclusion of the hearing. The Township shall, by official written communication, either grant final approval to the Development Plan or deny final approval. The grant or denial for final approval to the development plan shall be in form and contain the findings required for an application for tentative approval.

C. A development plan, or any part thereof, which has been given final approval shall be so certified Without delay by the governing body and shall be file or recorded within thirty (30) days after Final approval has been granted in the office of the County Recorder of Deeds before any That part thereof, within a period of two (2) years after final approval has been granted, no Development or further development shall take place on the property included in the Development Plan until the said property is re-subdivided and is reclassified by Enactment of an amendment to this Chapter in the manner prescribed for such amendments Herein.

SECTION 718 – MODIFICATION OF DESIGN REQUIREMENTS

A. To further the mutual interest of the residents of the Planned Residential Development and Of the public in the preservation of the integrity of the development plan, as finally Approved and to insure that modifications, if any, in the development plan shall not Impair the reasonable relianc4 of the said residents upon the provisions of the Development plan, nor result in changes that would adversely affect the public interest, the Enforcement and modification of the provisions of the development plan as finally Approved, whether those are recorded by plat, covenant, easement or otherwise shall be Subject to the following provisions of the development plan relating to (i) the use, bulk and Location of buildings and structure; (ii) the quality and location of common open space, Except as otherwise provided in this Ordinance; and (iii) the intensity of use or the density of Residential units, shall run in favor of Township and shall be enforceable in law or in equity Of Hazle Township, without limitation on any powers of regulations otherwise granted Hazle Township by law.

DULY AMENDED / THIS 2ND DAY OF JANUARY / 2007.

ARTICLE 8

SUPPLEMENTAL REGULATIONS

SECTION 801 PURPOSE AND INTENT

Certain uses of land and/or buildings, as specified herein, whether permitted by right or by special exception shall be subject to supplemental regulations in addition to those of the district in which the use is located.

SECTION 802 USE REGULATIONS

802.01 ADULT USES

No adult use, as so defined in Article 2 of this Ordinance, shall be located less than one thousand (1,000') feet from any of the following uses:

1. A residential dwelling.
2. A place of worship
3. A public or quasi-public use or structure.
4. A zoning boundary of any residential zoning district.

Measurements of the required distance shall be made in a straight line, from the nearest portion of the structure or premises of an adult use, to the nearest property line of the above noted uses. The structure and/or premises of an adult use, including all off-street parking areas shall be completely enclosed by a fence, not less than eight (8') feet in height and screened by a variety of evergreen trees which shall be planted not more than six (6') feet apart and being not less than eight (8') feet in height at the time of planting. The owner of the property shall be responsible to maintain such screening, including the replacement of any trees, which are damaged, die, removed by whatever means or otherwise fail to grow.

802.02 ANIMALS

Household pets are limited to three (3) pets per family in Residential and Business Districts. Specifically excluded, as pets are farm animals, hoofed animals, poultry, venomous or constrictive snakes and venomous insects and arachnids. Exemption: commercial pet stores, animal clinics and veterinary offices, which comply with all Federal, State and humane society rules and regulations.

A. Fish – An aggregate of fish contained in any one (1) bowl or tank with a capacity not to Exceed 150 gallons shall for the purpose of this ordinance be considered one (1) pet.

802.3 ANIMAL HOSPITAL

An animal hospital shall maintain all activities within a completely enclosed soundproof building and no objectionable odors shall be vented outside the building. No animal hospital shall be located less than twenty-five (25') feet from any property line.

802.4 ANIMAL KENNELS

Animal kennels in which animals are kept, boarded or trained may be either enclosed buildings or a combination of buildings and open runways. If all activities are maintained within a completely enclosed building, no objectionable odors shall be vented outside the building. If open runways are used, the building and runways shall be located not less than one hundred (100') feet from all property lines. Where the property abuts a district having residences as a principal permitted use, the building and runways shall be not less than two hundred (200') feet from such property lines.

802.5 AIRPORT AND HELIPORT

A. Minimum Lot Size: A lot size of not less than ten acres shall be required.

B. Landing/Take-off Area and Surface:

(1) Said surface shall be paved and free from dust and other material which could be blown onto adjoining properties by air wash.

(2) A heliport intended to be used for night landing or take-off shall be provided with flood lights and also with linear perimeter lighting of fluorescent or cold cathode type, or by amber light spaced around the helipad, approximately twenty feet apart.

(3) Every heliport landing/take-off area shall be so located and designated as to provide clearance of all obstructions above rotor height for a distance of twenty-five (25') feet in each direction of the landing area.

C. Use of Site: Limited to persons owning, occupying or employed on the premises and their visitors and guests.

D. Fencing: The entire perimeter of the landing/take-off area shall be enclosed by a fence not less than eight feet in height to prevent unauthorized entry onto the landing area.

E. Hours of Operation: As approved by the PennDOT and/or Federal Aviation Administration as may be required by said agencies regulations.

F. Licenses and/or Approval: Licenses and/or Approval shall be issued in accordance with the Federal agency administration regulations and/or the Bureau of Aviation, Pennsylvania Department of Transportation regulations.

G. Limitations and Additional Requirements: Limitations on the number and/or frequency of flights, as well as ingress and egress routes and any other conditions or determinations which the Federal Aviation Administration or the Pennsylvania Department of Transportation considers appropriate shall govern.

H. Setback Requirements for Landing Areas: A distance of not less than fifty (50) feet shall be required from a landing/take-off area to the nearest property line, street or building; if a landing/take-off area is to be located within three hundred (300) ft. of any residential structure or zoning district which permits residences as a permitted use, the applicant shall be required to submit noises tests conducted on the applicant's proposed landing/take-off area by an independent acoustical consultant utilizing approved sound testing equipment. No permit shall be issued for a helistop if the acoustical test results indicate a negative impact upon adjoining residential uses or any other type of property within a three hundred (300') ft. radius of any proposed landing/take-off area. The applicant shall be responsible for all costs necessary for acoustical testing.

I. Fuel Storage: All PennDOT and/or DEP fuel storage rules and regulations shall govern.

J. SEE ARTICLE 16 AIRPORT HAZARD AND ZONING REGULATIONS.

802.6 AUTOMOBILE RELATED ACTIVITIES

A. Automotive Repairs (Repair Garage): Activities including the repair of automobiles, trucks, snowmobiles and motorcycles shall be taken to minimize noise, vibrations, fumes and glare. Only vehicles to be repaired on the premises or picked up by the vehicles' owner may be stored in the yard area. Where the operation abuts on the side or rear property line of a district having residences as a principal permitted use, a solid wall or substantial attractive fence six (6') feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjacent properties.

B. Automotive Sales: The outdoor display of new or used automobiles, with servicing operations conducted within a completely enclosed building designed and constructed to minimize noise, fumes, vibrations and glare. Where an automotive sales use abuts a rear or side lot line of any district having residences as a principal permitted use, a solid wall or substantial, attractive fence six (6') feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjacent properties.

C. Car Wash: Appropriate draining facilities for washing activities shall be provided. The site shall be sufficiently large to accommodate three (3) cars per stall awaiting washing during peak periods so that lines along public streets are avoided. Such operations shall also comply with any applicable regulations of the Pennsylvania Department of Environmental Protection. Car wash operations abutting on the side or rear property lines of a district having residences as a principal permitted use shall provide a solid wall or substantial, attractive, tight fence being six (6') feet in height and well maintained along such boundary. Outdoor lighting shall be directed away from adjacent activities.

D. Gasoline Service Stations: When a service station abuts on the rear or side lot line of a district having residences as a principal use, a solid wall or substantial attractive fence being six (6') feet in height shall be constructed and maintained in good condition along such boundary. When a service station occupies a corner lot, the access driveways shall be located at least sixty (60') feet from the intersection of the front and side street lines of the lot. All access driveways shall not exceed twenty-five (25') feet in width. Gasoline pumps or other service appliances may be located in the required front yard not to exceed fifteen (15') feet. All repairs, service, storage or similar activities in connection with the use shall be conducted within the building where adequate measures shall be taken to minimize noise, fumes and glare. Outside lighting shall be directed away from adjacent properties.

E. Tire Re-treading and Recapping: Tire re-treading and recapping operations shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize noise, fumes and glare. New, worn and recapped tires shall be stored within the building and yard areas shall be neatly maintained. Where the operation abuts on the side or rear yard of property lines of a district having residences as the principal permitted use, a solid wall, or a substantial, attractive fence six (6') to eight (8') feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjoining activities.

802.07 BANKS

Banks and other similar financial offices shall provide sufficient space to accommodate parking, vehicular circulation areas for drive-in tellers, access areas for parking lots separated from drive-in areas and areas for pedestrian traffic separated from vehicular traffic for safety. Access driveways shall be no more than twenty-five (25') feet in width. canopies over drive-through areas shall meet all yard setback requirements.

802.8 BOARDING/ROOMING HOUSE

The property shall be limited to providing lodging for not more than four (4) persons, excluding the owner of the property. Off-street parking spaces shall be provided for each person residing therein. No room or rooms may be occupied by any person or persons, other than a member of the family (as defined in Article 2) for a period in excess of 30 days without securing approval from the Zoning Hearing Board.

802.09 BULK FUEL STORAGE

Bulk fuel storage for the sale of fuel shall be located on a tract of land not less than five (5) acres. Storage tanks shall be located not less than one hundred (100') feet from any property line and shall be not less than five hundred (500') feet from any dwelling, school, church or similar use. Cylinder filling rooms, pumps, compressors and truck filling stations shall be

located two hundred fifty (250') feet from all property lines. The tank storage areas shall be fenced with an eight (8') foot high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screed from view by a dense growth of evergreens at least five (5') feet in height at the time of planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

802.10 BUSINESS PARK

Business Park Structures and/or Uses shall be governed by the following regulations:

A. Access: Access shall be via an arterial street or collector street as designated by the Township. Traffic routes and exits shall be far enough away from residential uses and districts so as to minimize vehicular noise and vibration.

B. Aesthetics: Appearance should be harmonious with adjoining properties. This feature includes but is not limited to landscaping, enclosure of primary and accessory uses, height control, building and architectural controls.

C. Buffer Zone:

a. Residential Fronting: A buffer zone of at least one hundred fifty (150') feet wide is required in all situations where the site adjoins a residential zoning district or where existing residences exist within one hundred fifty (150') feet of the business park.

b. Other Zone Fronting: Where the park abuts all other (non-residential) zones, a buffer zone of not less than fifty (50') feet is required.

C. Requirements: Buffer zones shall be naturally landscaped and shall have no impervious cover. No portion shall be used for parking, unloading or storage purposes.

1. Landscaping: Natural landscaping elements, trees, shrubs, rocks, streams, and contours are a valuable asset in the environment. All site developments shall retain as much of the natural landscape to a quality comparable to that of surrounding properties. Not less than the exterior half of any buffer area shall be planted and maintained with grass or around cover, massed evergreens and deciduous trees and shrubs of such species and size as will produce, within two (2) growing seasons, a screen at least four (4') feet high and of such density as will obscure, throughout the full course of the year, all of the glare of vehicular headlights emitted from the premises. The preservation of natural wood tracts, rock outcroppings or topographic features shall be an integral part of all said plans regardless of their proximity to required buffer zones.

a. Screen Plantings: Massed evergreens used in screen planting shall be at least four (4') feet in height when planted and produce a complete visual screen year round.

b. The screen planting shall be maintained permanently and any plant material, which does not live, shall be replaced within one (1) year.

c. The screen planting shall be so placed that at maturity it will be no closer than three (3') feet from any street or property line.

d. A clear-site triangle shall be maintained at all street and driveway intersections.

e. A screen planting shall only be broken at points of vehicular and pedestrian ingress and egress.

2. Maintenance: the buffer shall be maintained and kept clean of debris, rubbish, weeds and other unsightly features. Grass shall be cut to conform to the Township Property Maintenance Code.

d. Setbacks: For the purpose of this Ordinance, setbacks will be included therein.

e. Improvements: No building, structure or physical improvement shall be permitted in the buffer zone except:

1. A minor vehicular right-of-way providing access for emergencies or maintenance.

2. A storm water facility.

3. A permitted sign.

4. An outdoor break or picnic area.

D. Performance Standards: Any use permitted in this district may be undertaken and maintained if it conforms to the following:

a. State and Federal Regulations: All standards, norms, levels and safeguards and all amendments thereof and new or additional standards and regulations imposed by State and Federal agencies shall be followed.

b. Storage: All operations, materials, machinery, equipment and waste are to be stored and maintained within buildings except for utility lines and substations and outdoor refuse collection containers.

1. Outdoor Refuse Collection Containers: These containers shall be visibly screened with a durable, six (6') foot high or higher, noncombustible enclosure with a concrete floor for the disposal of municipal waste as defined by the Pennsylvania Department of Environmental Protection.

c. Aesthetics: All exterior building walls or facades shall be constructed of materials which are aesthetically harmonious such as stone, brick, steel, aluminum, "GREEN" materials, decorative block or glass or a combination of all.

d. Environmental: Light, noise, odor emissions, air pollutants, glare and heat shall meet all Federal and State requirements and regulations as well as those of the applicable Township Ordinances.

1. Fire and Explosives Hazards and Hazardous Materials:

a. Storage and Use: The storage and utilization of toxic, reactive, highly combustible or hazardous materials is permitted but only if said materials are stored or utilized within a fully enclosed building or room having an incombustible exterior and protected throughout with an automated fire suppression system which have been approved by the Hazle Township Fire Department and have an approved, current Emergency Action Plan which includes periodic certified drills.

b. Manufacture: The manufacture of said materials is permitted only in small quantities in research and development if conducted within a fully enclosed building or room having an incombustible exterior and protected throughout with an automated fire suppression system which have been approved by the Hazle Township Fire Department and having an approved, current Emergency Action Plan which includes periodic certified drills.

E. Storm Water: All drainage and storm water management must meet the guidelines of the Hazle Township Storm Water Ordinance.

F. Sewage: Any storm water drainage or other industrial or manufacturing wastewater shall be excluded from any sanitary sewer system unless specifically authorized by the Municipal Authority of Hazle Township and/or the Greater Hazleton Sewer Authority. There shall be no pretreatment facilities for discharge to a sanitary sewer system unless specifically authorized by the Municipal Authority of Hazle Township and/or the Greater Hazleton Sewer Authority.

G. Roadways: All roadways must meet the specifications of the Pennsylvania Department of Transportation and as set forth in the Hazle Township Subdivision and Land Development Ordinance and the Hazle Township Road Ordinance.

H. Traffic Control: All design traffic volumes shall be determined by accepted procedures of the Pennsylvania Department of Transportation. The design hourly volume and the average daily traffic count data shall be used as a basis of

computation. Geometric design features shall be consistent with the design speeds and capabilities of streets serving the site. Minimum stopping, turning and passing site distances shall be determined. Grades, alignments, lanes, slopes, clearances, other street standards shall be consistent as set forth in the Hazle Township Subdivision and Land Development Ordinance. Traffic control devices (signs, signals, pavement markings, etc.) consistent with the Manual on Uniform Traffic Control Devices. American Association of State Highway Officials, in cooperation with the Pennsylvania Department of Transportation. Anticipated traffic generation shall not exceed the design volume of the street or streets serving the site and surrounding area, unless appropriated provisions to upgrade and to construct necessary street provisions consistent with Hazle Township street specifications.

802.11 CEMETARIES

A structure, grave or place of permanent burial shall be set back not less than fifty (50') feet from the property line. The cemetery shall be enclosed by a fence, wall or shrubbery at least three (3') feet in height. The interior roads shall have a minimum width of twelve (12') feet and shall be properly maintained with wither gravel or paving.

802.12 COMMUNITY CENTER (as defined in Article 2)

Buildings utilized for such purposes shall not be less than twenty (20') feet from any property line. Where the use abuts on the rear or side lot line on the side or rear property line of any "R" (Residential) District, a solid wall or substantial attractive fence not less than six (6') feet in height, designed to conceal and screen the use from adjoining properties, shall be constructed and maintained in good condition along such boundary. The provision of any outside lighting shall be directed away from adjacent properties.

802.13 CONTRACTORS' STORAGE YARDS

Commercial or industrial uses utilizing outdoor storage space which exceeds an area of more than two thousand (2,000) square feet shall be located on a tract of land of not less than Twenty-five thousand (25,000) square feet. Supplies stored outdoors shall be neatly arranged and no required yard areas shall be used for storage. There shall be a roadway fourteen feet (14') in width provided for in every forty linear (40') feet of stored materials,. The roadway shall be kept passable for fire-fighting equipment. Where the operation abuts on the rear or side lot line of a district having residences as a principal permitted use, a solid wall or substantial fence not less than eight (8') feet in height shall be constructed and maintained in good condition along such boundary. Outside lighting shall be directed away from adjoining properties.

802.14 CONVENIENCE STORE WITH GASOLINE PUMPS

The property shall have a lot area of not less than twenty thousand (20,000) square feet.
The principal structure as well as the canopy over gasoline pumps shall meet all the minimum setback requirements for all yards in the district in which it is located. Where the operation abuts on the rear or side lot line of a district having residences as a principal permitted use, a solid wall or substantial fence not less than eight (8') feet in height shall be constructed and maintained in good condition along such boundary. A parking area accommodating all spaces required by Article 11 shall be provided. Access

driveways shall be no more than twenty-five (25') feet wide at the street line and in the case of a corner lot, access driveways shall be at least sixty (60') feet from the intersection of the two streets, as measured from the right-of-way line. All lighting shall be directed away from adjoining property.

802.15 COOPS

Structure for the rearing and housing of avian animals and the housing of said animals used for sport, hobby or pleasure are permitted in all zoning districts except Residential Districts provided they are two hundred (200') feet from any residential district boundary and conform to the rules, regulations and by-laws of such sporting organizations as the American Pigeon Racing Union, Eastern Fantail Club, Eastern Chinese Owl Club or other similar organizations. Coops may be permitted in Residential Districts only as a Special Exception use with the approval of the Zoning Hearing Board.

802.16 DAY CARE FACILITIES

All day care facilities, as so defined in Article 2 of this Ordinance, shall comply with the following:

A. The applicant or owner shall provide evidence of certification of compliance with all appropriate regulations of any designated State agency whose approval is required by the laws of the Commonwealth.

B. Noise and all other possible disturbing aspects connected with such use shall be controlled to the extent that the operation of such use shall not unduly interfere with the use and enjoyment of properties in the surrounding areas.

C. All Child Day Care Facilities shall have an outdoor play area which shall be completely enclosed with a fence being six (6') feet in height. Outdoor play activities shall be limited to the hours between 10:00 AM to 5:00 PM local time. Minimum play area shall be one hundred (100) square feet or ten (10) square feet per child, whichever is greater.

D. The applicant shall provide evidence that vehicular traffic congestion will be avoided in "pick-up and drop-off points" utilized in transporting children to and from the facility.

802.17 DWELLING OVER OR ATTACHED TO A BUSINESS ESTABLISHMENT

Dwelling units may be permitted over or attached to business establishments in any zoning district. Such dwellings shall have private access and the required residence parking spaces in addition to commercial parking spaces as required by Article 11 and shall comply with all fire, safety and building codes.

802.18 ENTERTAINMENT FACILITIES

Entertainment facilities as defined in Article 2 of this Ordinance shall provide proper parking areas with vehicular circulation and access designed to minimize any potential

traffic congestion. Such facilities shall not be closer than twenty (20') feet from any boundary of a district having residences as principal permitted use, shall provide adequate screening from any residential district and shall be conducted entirely within an enclosed structure.

802.19 EXCAVATION OF NATURAL RESOURCES AND MINERALS

The extraction, excavation and/or removal of natural resources and minerals, as defined in Article 2 of this ordinance, is subject to the requirements of this ordinance, to the extent these requirements do not supersede or preempt federal and/or state laws or regulations regulating mineral extraction, including but not limited to those under the jurisdiction of the Pennsylvania Department of Environmental Resources, Bureau of Mines. In the case of conflicting regulations between the requirements under this section and those of a federal and/or state agency shall prevail as the governing laws or regulations.

802.20 FORESTRY/TIMBERING REGULATIONS

802.20 Removed 3/10/2020

802.21 FUNERAL HOME

Funeral homes shall accommodate all of the parking areas required as provided in Article 11 of this Ordinance, in addition, sufficient area shall be provided for vehicular circulation on the lot and for the assembly area for the procession beyond the street right-of-way line. Points of vehicular access to the site shall not create traffic hazards on the street. Loading and unloading areas for ambulances and hearses shall be within an enclosed building or shall be screened from view from adjacent properties by a solid wall or substantial, attractive fence being six (6') feet in height. Outside lighting shall be directed away from adjacent properties.

802.22 GROUP RESIDENCE

Any party wishing to establish and/or operate a "Group Residence", in addition to all other applicable zoning regulations and/or requirements, shall be subject to the following supplemental requirement:

A. The maximum occupancy of a Group Residence shall not exceed with (8) persons, excluding staff. The occupancy of said Group Residence shall be governed by the standards and requirements as provided for within the most recent housing code standards of the codes enacted by the Township.

B. The Group Residence shall be under the jurisdictional and regulatory control of a governmental entity (County, state or Federal).

C. The applicant and/or operator of Group Residence shall provide written documentation from the applicable governmental entity which certifies said Group Residence complies with the location, supervised services, operation, staffing and management of all applicable standards and regulations of the subject governing program.

D. The applicable requirements and standards which govern off-street parking for a single family dwelling shall also govern for a Group Residence, however two additional off-street parking spaces shall be provided any if there is any required staffing associated with the management and operation of a Group Residence.

802.23 HEIGHT EXCEPTIONS

The Hazle Township Zoning Hearing Board shall have the power to grant by special exception a height up to one hundred eighty (180') feet for main and accessory buildings, chimneys, flagpoles, stacks, towers, water tanks and other mechanical appurtenances in C-1, M-1, I-1 and I-1 Districts. The Hazle Township Zoning Hearing Board shall have the power to grant by special exception a height up to seventy (70') feet for chimneys, flagpoles, stacks, towers, water tanks and other mechanical appurtenances in B-1, B-2 and BP Districts. In granting special exceptions for height exceptions, the Hazle Township Zoning Hearing Board must consider the following factors; issues of public safety,

accessibility for emergency vehicles, accessibility of services necessary for emergency rescue, potential adverse impact upon adjacent zones due to aesthetics, impediments to solar access or creation of additional noise, nor may the structures be used for human occupancy.

802.24 HOME OCCUPATIONS (also see Section 802.31 NO-IMPACT HOME BASED BUSINESSES)

A home occupation, which is conducted within a dwelling unit or an existing accessory Building to the dwelling, shall be subject to the following provisions:

A. The occupation shall be carried on wholly indoors, within the principal building or within a building accessory thereto.

B. There shall be permitted a sign, not to exceed two (2) square feet in surface are, placed flat against the building as a wall sign and shall not be permitted above the first story level. No other exterior display or exterior storage of materials or any other exterior indication of the home occupation shall be permitted.

C. There shall be no maintenance of a stock in trade or show windows or displays or advertising visible outside the premises.

D. No articles shall be sold or offered for sale except those which are produced on the premises.

E. There shall be no repetitive servicing by truck.

F. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

G. The home occupation shall be carried on only by members of the immediate family residing in the dwelling unit, plus not more than two (2) additional employees. Licensed medical practitioners and attorneys may have more than two (2) additional employees, subject to approval by the Zoning Hearing Board.

H. The floor area devoted to a home occupation, regardless of where located on a lot, shall be equivalent to not more than twenty (20%) percent of the floor area of the dwelling unit.

I. Each home occupation shall have off-street parking as indicated below, in addition to that Required for the dwelling unit:

(1) Four (4) spaces for each physician, dentist or other licensed medical practitioner.

(2) Two (2) spaces for all other home occupations.

802.25 INDUSTRIAL ACTIVITIES

In addition to the applicable requirements of this Ordinance, all industrial activities and uses permitted by right, special exception and/or conditional use within the I-1 and I-2 District shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial waste, fire hazards and any other of the activities and uses with side effects that are deemed injurious to the public health, safety and welfare by the United States Environmental Protection Agency (EPA), the Pennsylvania

Department of Environmental Protection (DEP) and the Pennsylvania Department of Labor and Industry. It shall be the responsibility of the applicant to provide the Zoning Officer with a complete listing of all State and Federal Regulations governing the proposed use and to show intended compliance therewith. All industries and businesses are required to supply the Township Emergency Management Agency and Fire Department with all applicable MSDS sheets, emergency operations and evacuation plans.

802.26 JUNKYARDS AND AUTOMOTIVE WRECKING YARDS

All junkyards and automotive wrecking yards existing at the effective date of this Ordinance Shall comply within one (1) year after the adoption thereof. All new junkyards and automotive Wrecking yards shall comply with the following:

A. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or a place for the breeding of rodents and vermin.

B. Burning of any materials shall be prohibited.

C. No oil, grease, tires or gasoline shall be burned at any time.

D. No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored on such premises.

E. Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed there from.

F. The storage of any combustible materials, such as gasoline, oil or related items, shall be placed in fireproof containers and stored within fireproof sheds.

G. The manner of storage and arrangement of junk and the drainage facilities on the site shall be such as to prevent the accumulation of stagnant water upon the premises. A storm water drainage plan shall be required.

H. There shall be no stockpiling of motor vehicles, nor shall there be any junk piled higher than twelve (12') feet.

I. There shall be a roadway fourteen (14') feet in width provided for every forty (40') linear feet of junk. The roadway shall be kept open and unobstructed for proper access for firefighting equipment and safety purposes.

J. Junk shall not be stored within one hundred (100') feet of any adjoining property line or nearer than one hundred (100') feet to any adjoining or abutting street.

K. All junkyards shall be completely screened from view on all sides by a buffer area as so defined in Article 2 of this Ordinance. The required fence shall be no closer than twenty (20') feet to any property line.

L. Such premises may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday through Saturday From 8:00 AM to 6:00 PM local time.

802.27 MANUFACTURED HOME PARKS

The standards and regulations provided herein shall apply to both the development of new manufactured home parks and the expansion of existing ones. The development of a manufactured home park, including the expansion of an existing one, shall also be deemed as a subdivision or land development and shall be subject to applicable regulations of the Township's Subdivision and Land Development Ordinance. Customary accessory residential uses shall be permitted, along with common areas for use by residents of the manufactured home park.

A. All manufactured home parks shall have a total land area of not less than ten (10) acres.

B. All manufactured home parks shall be located on well drained land with the average natural slope not exceeding twenty (20%) percent,

C. All manufactured home parks shall have access to public streets or roads.

D. All manufactured home parks shall be serviced by an off-site public sewage disposal system and a public or central water supply and distribution system.

E. Manufactured homes shall not be located on sites so that any portion of any manufactured home is closer than twenty (20') feet to any portion of any other manufactured home or permanent building within the manufactured home park.

F. Access to manufacture home sites shall be from interior driveways, access drives or private streets and shall not be from public street or roads. Entrance roads shall have a paved cart way width of at least twenty-four (24') feet.

G. Every manufactured home site shall be provided with a minimum of two (2) off-street parking spaces.

H. All manufactured home parks shall be provided with pedestrian walkways on at least one side of every street.

I. Each manufactured home site shall have a minimum area of not less than 3,000 square feet and a minimum lot width of not less than fifty (50') feet. The minimum front, rear and side setback shall be not less than ten (10) feet.

J. Every manufactured home park shall provide a defined recreational site or sites which shall contain an area of land not less than five (5%) percent of the total gross land area within the boundaries of the manufactured home park. All recreational sites shall be located in areas which are readily accessible to all residents of the manufactured home park. A recreational development plan shall be provided which identifies passive and active recreational features to be provided upon the site, including recreational equipment, play apparatus, benches and all other features and facilities to be incorporated into the design of the recreational site. The location of the recreational equipment, play apparatus, benches and all other facilities to be incorporated into the design of the recreational site. The location of the recreational site and the recreational development plan shall be subject to the review and approval of Board of Supervisors. The recreational site must be identified and approved by the Board of Supervisors prior to final approval of the development or expansion of a manufactured home park. To guarantee the

installation of all such improvements the applicant shall be required to complete the installation of all such improvements prior to receiving an unconditional final approval or to post an irrevocable letter of credit in the amount of 110% of the estimated cost of improvements. The procedures and standards contained within Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended shall apply to posting the aforementioned irrevocable letter of credit or other equal security. The procedures and standards within Section 510 of Act 247, as amended shall apply to the release of the irrevocable letter of credit upon the completion of the required improvements. The applicant shall be required to reimburse the Township for any engineering fees associated with the inspection of improvements to the site. .Said reimbursement must be paid at the same meeting of the Board of Supervisors at which the applicant seeks final and unconditional approval of said improvements.

K. Each manufactured home site shall be provided with a stand or pad consisting of at least two (2) concrete strips to accommodate the supporting base or foundation of the manufactured home.

L. Every manufactured home in the park shall be enclosed from the bottom of the manufactured home to the ground or stand using industry-approved skirting material compatible with the home.

M. Every manufactured home shall be securely anchored or tied-down on at least the four (4) corners and/or in accordance with the manufacturer's recommendations furnished with each home.

N. The owner/operator of each manufactured home park shall provide or make provisions for a refuse disposal plan.

O. An approved soils erosion and sedimentation plan and a storm water management plan shall be required prior to the unconditional approval for the development or expansion of a manufactured home park.

P. An approved Department of Environmental Protection Planning Module shall be required prior to the unconditional approval for the development or expansion of a manufactured home park.

802.28 MEDICAL CLINIC

A. A medical clinic shall be located upon a lot having an area of not less than twenty thousand (20,000) square feet, applicable for either new construction or for adaptive reuse of an existing structure.

B. Any proposed medical clinic shall include with its submission of a zoning permit application, a development narrative which accurately describes the nature of medical services to be offered and the names of the medical practitioners providing said services. A licensed physician, an M.D. or a D.O., shall be on duty at the clinic during the medical clinic's hours of operation.

C. Any existing structure proposed for adaptive reuse as a medical clinic shall be brought into compliance with all current building codes and all other applicable Township, County and State regulations prior to occupancy.

D. Any medical clinic with direct access and/or frontage along a State Legislative Route shall include with its submission of a zoning permit application a traffic impact analysis prepared by a professional licensed engineer with expertise in transportation and traffic planning. Such analysis

shall demonstrate the following:

1. The number of vehicle trips expected to be generated during an average weekday and during both a.m. and p.m. peak hours of adjacent street traffic.

2. The number and types of vehicles, with an origin or destination at the subject site, the need for which is generated by said use.

3. The routes, roadways or streets to reach the medical clinic.

4. The impact of the levels-of service at intersections within one mile of said medical clinic.

5. Recommended traffic control devices designed to mitigate the documented impact on adjacent roadways.

E. A medical clinic shall demonstrate its compliance with supplying the required number of off-street parking spaces as provided for in Section 1117 of this ordinance. All off-street parking areas shall be adequately lighted, with a lighting plan included within the submission of the required site plan under Section 703 of this ordinance.

F. A medical clinic, as so defined in Article 2 of this Ordinance, shall be located not less than five hundred (500') feet from any of the following uses:

1. A residential dwelling.

2. A place of worship.

3. A school or a child care facility, as defined in Article 2 of this Ordinance.

4. A park, playground or similar recreational facility.

5. A public or quasi-public use or structure.

6. A zoning boundary of any residential zoning district.

Measurement of the required distance shall be made in a straight line, from the nearest portion of the structure or premises of a medical clinic, to the nearest property line of the above noted uses.

802.29 MODEL HOMES

The exterior appearance of a model home and its premises shall be maintained and operated consistent with the residential character of the neighborhood. Landscaping shall also be provided consistent with that of the neighborhood within six months of the use of the structure as a model home. They shall be used only as a model display of homes available for sale and not as a realtor's office and not for the storage of construction equipment and materials. Off-street parking shall be provided according to the requirements of Article 11, with spaces for eventual residents temporarily allowed for patron use and with one (1) space for each employee. No construction or delivery trucks and vehicles shall be allowed upon the premises. Signs only provided for in Article 10 shall be allowed.

The special exception shall only be temporary, being valid for thirty months (30) moths after the special exception use is approved by the Zoning Hearing Board. At the expiration of the permit, the premises shall either revert to use as a dwelling or continue as a special exception upon application to and approval by the board. In determining whether approval for continuance should be granted, the Board shall consider the effects of the previous permit on the neighborhood and the adherence to the special exception criteria under the previous permit.

802.30 MOTELS AND HOTELS

Motels and Hotels shall require a minimum lot size of not less than two (2) acres with a lot width of not less than two hundred (200') feet. The following requirements shall also apply:

A. There shall be more than ten (10) sleeping rooms.

B. Fifty (50%) or more of the gross floor area shall be devoted to sleeping rooms.

C. There may be club rooms, ballrooms and common dining facilities.

D. In the case of a corner lot, access drives shall be not less than sixty (60') feet from the intersection of any two streets as measured from the intersection of their right-of-way lines.

802.31 NO-IMPACT HOME BASED BUSINESS

A No-Impact Home Based Business, as defined in Article 2 of this Ordinance, shall be permitted by right in all residential zoning districts, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

2. The business shall employ no employee other than family members residing in the dwelling.

3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

5. The business activity may no use an equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

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

7. The business activity shall not occupy more than 25% of the habitable floor area

8. The business may not involve any illegal activity.

802.32 OUTDOOR STORAGE

Outdoor storage, as defined in Article 2, when proposed as the primary use of land, shall be Enclosed with a chain link fence not less than six (6') feet in height. A Soil Erosion and Sedimentation Control Plan and Storm water Drainage Plan for such storage shall be required for all areas of impervious surface in excess of five thousand (5,000) square feet to be provided for such storage. A complete listing of all types of machinery, material and items to be stored therein shall be attached to the required zoning application. No hazardous substances, as so defined in Article 2 of this Ordinance, shall be permitted upon the site.

802.33 PETS (See: ANIMALS (802.02)

802.34 PLACE OF WORSHIP

A parking area shall accommodate all parking spaces as required in Article 11 of this Ordinance. Access driveways shall be not greater than twenty-five (25') feet in width. In the case of a corner lot, access driveways shall be not less than sixty (60') feet from the intersection of the two streets, as measured from the intersection of their right-of-way lines. Where the parking are abuts exiting residences on the side or rear property line, a buffer area, consisting of shrubbery or evergreen trees, being not less than four (4') feet in height at the time of planting, shall be provided.

802.35 PUBLIC USES

A. MUNICIPAL POLICE AND FIRE BUILDINGS: Where the parking area abuts the side or rear property lines of an adjoining residential use, a fence being six (6') feet in height and a buffer area consisting of shrubbery or evergreen trees shall be provided.

B. PUBLIC AND PRIVATE SCHOOLS: The size of a lot shall meet the minimum requirements as prescribed by the Pennsylvania Department of Education. Access to the site shall be from an arterial or collector street. Access driveways shall not exceed twenty-five (25') feet in width. In the case of a corner lot, access driveways shall be not less than sixty (60') feet from the intersection of the two streets, as measured from the intersection of their right-of-way. Loading and unloading areas, parking areas and circulation shall be provided in accordance with Article 11 of this ordinance.

802.36 PUBLIC UTILITY BUILDINGS AND STRUCTURES

Public utility facilities as defined in Article 2, shall conform to the following regulations for properties containing such uses:

A. Access and parking shall be provided only for maintenance and servicing of such facilities.

B. A chain-link fence and locked gate not less than eight (8') feet in height shall surround the building or structure of such facilities.

C. A buffer area not less than ten (10') feet in depth and comprised of trees and/or shrubs designed

to conceal such buildings or structures of such facilities.

D. Outside lighting shall be directed away from adjacent properties.

E. The location, design and operation of such facilities shall not adversely affect the character of any adjacent residential properties.

802.37 RAILROAD SETBACK

Within one hundred (100') feet of any thru railroad line, no structure shall be built nor any land or building used for any purpose provided, however, that this restriction shall not apply to the construction and/or maintenance and/or use of any so called "railroad spur", that is to say, a spur extending to and serving one or more establishments in any C-1, B-1, B-2, BP, I-1, I-2 or M-1 District.

802.38 RECLAMATION OF FORMER COAL MINED PROPERTY

The applicant shall provide and/or comply with the following for reclamation of former coal mined property which equals or exceeds an area of five acres, either initially or cumulatively, which is not under a State and/or Federal Mining Permit.

A. Provide a detailed narrative which fully describes the daily operations of all permitted functions and activities within the proposed area subject reclamation activities.

B. A plan to control airborne dust, dirt and noise from adjacent properties.

C. Proposed hours of operation.

D. Number of years and/or months to complete all reclamation activities.

E. Statement of proposed reuse of site upon completion of all reclamation activities.

F. A Soil Erosion and sedimentation Control Plan, approved by the Luzerne County Conservation District, unless said agency provides written notification stating the subject activity is exempt from its jurisdiction.

G. Copies of any and all applications and/or permits, approved or pending approval from any state or federal agency having jurisdiction related to the proposed reclamation activities.

802.39 RECREATIONAL FACILITIES – (OUTDOORS)

All such facilities, whether public, private or commercial, shall conform to the following Regulations:

A. No outdoor recreation activity shall be conducted closer than fifty (50') feet to any property line.

B. A buffer area, at least ten (10') feet in depth and plated with trees, shrubs or other landscaping, shall surround the property except for access drives.

C. Access drives shall be not greater than twenty-five (25') feet in width; parking area shall not be located within buffer areas.

D. Storm drainage from the site shall be channeled to natural drainage courses and away from adjoining properties.

802.40 SEWAGE DISPOSAL AND SEWAGE TREATMENT PLANTS

The location and operation of a public or private sewage disposal and/or sewage treatment plant shall be in full compliance with the applicable regulations of the Pennsylvania Department of Environmental Protection. Written approval from DEP shall be secured prior to the installation of such facilities.

802.41 SINGLE RESIDENTIAL STRUCTURES, CONTAINING MULTI FAMILY DWELLING UNITS

Single residential structures, containing three or more dwelling units, shall be serviced by central sewers and shall contain a lot area of not less than three thousand (3,000) square feet for each dwelling. A minimum lot width of not less than one hundred (100') feet shall be required. Each side yard shall have setback of not less than fifteen (15') feet.

802.42 SOLID WASTE FACILITY

A solid waste facility shall conclusively demonstrate conformance to all of the following items:

A. The applicant shall provide a comprehensive soil analysis and groundwater report which shall conclusively demonstrate that the proposed design, construction and operation of the solid waste facility shall not pollute surface or groundwater, nor otherwise cause any potential health or environmental hazard. Said report shall be jointly signed and certified by the applicant and the consultant, who prepares the report, attesting to the accuracy of information and the validity of said report.

B. The applicant shall sign an agreement prepared by the Township Solicitor, prior to final approval of the application which shall specify all the terms and conditions of approval, including the Township's authority to revoke the Permit for the violation of any terms and/or conditions under which the application was approved. Prior to formal action to revoke the permit, the Zoning Hearing Board shall convene a public hearing, pursuant to public notice, to consider testimony and evidence relative to the alleged violations. Based upon the testimony and evidence provided, the Zoning Hearing Board shall render a decision.

C. The land area and/or parcel of land on which the solid waste facility is located shall not exceed twenty-five (25) acres, whether developed initially or cumulatively.

D. The applicant of a proposed solid waste facility shall provide conclusive evidence, based upon a mining report, soil analysis, test borings and any other appropriate technical data which conclusively demonstrates that the subsurface conditions beneath any area to be utilized as a landfill is capable of sustaining the bearing load of projected and/or planned quantity of material to be deposited and/or disposed of upon the site. The applicant and the person, party or firm providing such evidence shall jointly sign and certify the accuracy and validity of the information and data which is provided as conclusive evidence.

E. Any application for a solid waste facility, which includes the operation of a landfill, shall include a proposed reuse of the property and/or area utilized as a landfill upon the cessation of landfill activities.

F. The applicant shall be required to create an escrow fund to finance the proposed and planned reuse and development of any area utilized as a landfill based upon the projected life expectancy of any area within the solid waste facility which is utilized as a landfill. Such fund shall be funded while the property is still being used for a landfill with increment payments. The annual increment payment shall be based upon the estimated cost of the proposed reuse of the site divided by the number of years which the landfill is expected to operate. Such fund shall be separate and distinct from any funding and/or bonding requirement pursuant to closure activities.

G. A solid waste facility may conduct and operate all approved functional aspects within the Facility from the hours of 7:00 A.M. to 5:00 P.M. from Monday through Friday. Said facility shall not conduct and/or operate any approved functional aspects associated with the facility on Saturdays, Sundays and all legally recognized holidays by the Federal Government and/or Commonwealth of Pennsylvania.

H. The entire site of a solid waste facility shall be enclosed with industrial type gauge fencing which shall be ten (10') feet in height. All gates shall be closed and locked at the end of business hours. There shall be no advertising of any kind displayed upon the fence.

I. No operations and/or activities permitted of a solid waste facility shall be permitted within one thousand (1,000') feet of any property line boundary and/or within two thousand-five hundred (2,500') feet of any residence and/or zoning district in which residences are a permitted use.

J. All solid waste facilities and staging areas which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building. Storage of materials, supplies or solid waste in motor vehicles, trucks, trailers or other containers normally used to transport the materials shall not be permitted unless the aforesaid motor vehicles, trucks, trailers or other containers shall be stored within a completely enclosed building.

K. A solid waste facility shall provide for treatment and disposal of all liquid effluent and discharges generated by the facility due to the storage, washing or other process used in treating and/or processing the solid waste. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable regulations and requirements of the Pennsylvania Department of Environmental Resources.

L. All Storm water collected on the site shall be treated by the facility's wastewater treatment system. Parking of motor vehicles containing solid waste or motor vehicles which have not been properly cleaned and washed shall only be permitted in completely enclosed buildings, handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.

M. The owner and/or operator of any solid waste facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three (3) months on any stream within five hundred (500) feet of any areas used for the storage or disposal

of solid waste, if water drainage from the facility is discharged into said stream. For each testing period two (2) testing samples shall be collected: one sample shall be taken from the stream at a point upstream of the facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well location, if applicable, located on the premises shall also be sampled every three (3) months. All water samples shall be collected and analyzed by an independent party which is a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township Supervisors and the results shall be provided to the township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the facility shall immediately cease operation until such time as the source of the contamination has been identified and totally corrected.

N. The area or areas upon which any permitted operations and/or activities within a solid waste facility are conducted shall be entirely screened. Such screening shall consist of a variety of evergreen trees, approved by the Zoning Hearing Board, planted not more than six (6') feet apart and being not less than eight (8') feet in height at the time of planting. Said screening shall be located not greater than three hundred (300') feet from the operations and/or activities which are subject to being screened. The applicant and/or operator of the facility shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die or otherwise fail to grow.

O. The applicant shall provide a detailed narrative which fully describes the daily operations of all permitted functions and activities within the proposed solid waste facility, including the projected daily volume and tonnage of refuse being accepted for processing and/or disposal.

P. The applicant shall submit to the Zoning Hearing Board, a copy of their commercial policy of liability insurance covering third party claims for property damage and personal injury.

Q. Vehicular access for ingress, egress and regress to a solid waste facility shall be solely limited to private access roads, constructed in accordance to the design standards as so provided within Article 8 of the Hazle Township Subdivision and Land Development Ordinance. Such private access roads shall only have access to a state legislative route with no permitted access to or from any local streets and/or roads.

R. The owner and/or operator of a solid waste facility shall provide an emergency response plan to address potential hazards associated with its operations. Said plan shall be submitted for review and comment to the local fire companies which serve Hazle Township.

S. Any solid waste facility which processes sludge, prior to its final disposal, shall be designed to include a liner in accordance with the applicable standards of the Department of Environmental Protection for the liner within a proposed landfill.

T. Any solid waste facility which includes incineration shall be designed and operated in a manner to limit emissions by not less than ten (10%) percent below the applicable allowable emission standards of the Department of Environmental Protection or the Environmental Protection agency, based upon the more Restrictive regulations for reducing and/or limiting air pollution. Any emissions stack or similar structure shall not exceed one hundred-fifty (150') feet in height.

U. The applicant shall in addition to other required information and data provide an "Impact Analysis" which addresses the impact of the proposed operation and Activities of a solid waste

facility in relationship to the following items:

1. All streets and roads which shall and/or are likely to be utilized for means of access to and from the site, including projected truck traffic which shall be generated in relationship to the projected daily volume of waste being transported to the solid waste facility.

2. The suitability of the site for the proposed operations and activities of the solid waste facility in relationship to the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features which are located both on-site and off-site of the facility.

3. The impact, both on-site and off-site, of the proposed operations and activities of the solid waste facility on the soils, slopes, woodlands, wetlands, flood plains, aquifer, natural resources and other natural features regarding the degree to which these are protected or destroyed, the tolerance of these resources to the proposed development and any adverse environmental impacts.

4. The impact of the proposed operations and activities of the solid waste facility upon any locations and/or structures of historical and/or cultural significance within three thousand (3,000) feet to any property boundary line of the facility.

5. The impact of the proposed operations and activities of the solid waste facility upon the preservation of agriculture and other land uses which are essential to the public health and welfare.

6. In the event that any information, data and/or "Impact Analysis" indicates a projected and/or potential adverse impact, the applicant shall fully mitigate such impact. A determination of a potential adverse impact which may result. Based upon the Environmental Impact Statement or the Zoning Hearing Board's review of the same shall constitute sufficient basis for the denial of a special exception use permit.

802.43 TAVERNS/RESTAURANTS

A Tavern or a Restaurant shall be subject to the following regulations:

A. Shall be located upon a parcel of land not less than twenty-thousand (20,000) square feet.

B. Shall have side and rear yards of not less than twenty-five (25') feet in depth.

C. Shall not adversely affect the public health, safety and well-being of the neighborhood in which the said tavern or restaurant is located.

D. Shall be constructed, place or located so as to comply with all parking spaces and circulation and access areas as set forth in Article 11 herein.

E. Shall, where the side or rear property lines of the piece or parcel of land upon which said tavern or restaurant is to be constructed, placed or located abuts upon residences, provide for the erection and placement of a substantial, solid, opaque fence or evergreen hedge which shall be

constructed so as to provide a barrier rising to a minimum height of six (6') feet and maintained in good condition to conform with the esthetic character of the neighborhood in which it is constructed; providing that in the event that an evergreen hedge is utilized, at the time of planting, said evergreen hedge shall be not less than six (6') feet in height.

F. Shall, whenever exterior lights or lighting is of any permissible type is utilized, provide for the installation of said light or lighting in such a manner so that the illumination from aid light or lighting is directed upon or towards the property upon which said tavern or restaurant is located and away from all adjacent or abutting properties, streets or thoroughfares.

802.44 TRAILER-TEMPORARY STORAGE AND MOBILE OFFICE

1. DEFINITION (S) [Hereafter referred to as temporary trailer]

A. Storage Trailer – any trailer, open or closed, which is mounted on wheels and is capable of being moved within four (4) hours which is used for the storage of materials used in construction or for the extraction of natural resources or materials and/or goods for sale in an established or permitted business.

B. Mobile Office – any trailer mounted structure that is mounted on wheels and is capable of being moved within four (4) hours, which is used as a temporary office on construction or work sites or as a temporary office for permitted businesses during or due to emergency occurrences.

C. Storage Trailer – any trailer, open or closed, which is mounted on wheels and is capable of being moved within four (4) hours which is used for the storage of materials used in construction or for the extraction of natural resources or materials and/or goods for sale in an established or permitted business.

D. Mobile Office – any trailer mounted structure that is mounted on wheels and is capable of being moved within four (4) hours, which is used as a temporary office on construction or work sites or as a temporary office for permitted businesses during or due to emergency occurrences.

2. LOCATION – Such temporary trailers are permitted in all Zoning Districts with the Following exceptions:

A. Any temporary trailer allowed in a Residential (R-1 and R-2) District that is expected to or does remain in excess one (1) year must secure board approval.

3. PERIOD – A temporary trailer permit shall be good for six (6) months from time of issuance and payment of fee and may be renewed at the discretion of the issuing officer upon payment of the proper fee.

4. ISSUING OFFICER – A temporary trailer permit shall be issued upon proper application and fee by the Zoning Officer or their designated representative.

5. CONDITIONS

A. All Temporary Trailers:

a. Must be maintained and kept in good condition as to be able of being moved within the prescribed time frame.

b. May not serve as human residential habitation.

c. May not be used to house any animal or animals.

d. The adjacent area must be maintained and kept clean of trash and weeds. No outside storage is allowed.

B. Temporary Trailer- Storage

a. No utilities may be hooked up to said trailer.

C. Temporary Trailer- Office

a. Must have self-contained sanitary facilities unless licensed and permitted portable sanitary facilities are provided.

b. All sanitary facilities must be properly maintained and emptied by licensed contractor.

c. Licensed contractors must make all utility hook-ups.

6. FEES

See Hazle Township Fee Schedule

a. The fee must be paid every six months. A late charge of $ 25.00 will be assessed if it is necessary for the Township to collect the fee.

802.45 TOWNHOUSES

Townhouses which are not being developed as part of a Planned Residential Development, shall be subject to the following provisions and all applicable provisions of the Hazle Township Subdivision and Land Development Ordinance.

A. Minimum lot size for the development of townhouses shall be two (2) acres.

B. Minimum lot width shall be one hundred fifty (150') feet.

C. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of Common or public open areas, shall be not greater than forty-five (45%) percent.

D. Minimum lot width for each townhouse unit shall be not less than twenty (20') feet.

E. Minimum lot depth for each townhouse unit shall be not less than one hundred (100') Feet.

F. Minimum lot area for each townhouse unit shall be not less than two thousand (2,000) square feet.

G. Minimum front yard setback for each townhouse unit shall be not less than thirty-five (35') feet.

H. No side yard setbacks shall be required for attached interior townhouse units. A minimum side yard setback of not less than thirty (30') feet shall be required only at the ends of rows of attached townhouse units.

I. Minimum rear yard setback for each townhouse unit shall be not less than thirty (30') feet.

J. Maximum building height shall be 3 stories or forty (40') feet.

K. Minimum distance between principal structures shall be not less than feet.

L. Minimum front yard setback for off-street parking areas shall be not less than twenty (20') feet.

M. Minimum rear yard setbacks for off-street parking areas shall be not less than fifteen (15') feet.

N. Two (2) off-street parking spaces shall be provided for each townhouse unit.

O. Unattached accessory structures such as pools, garages, carports and sheds shall be prohibited in the front yard. Unattached accessory structures located in the side or rear yard shall have five (5') feet side and rear yard setbacks. Attached accessory structures shall have the same setbacks as required for principal structures.

802.46 TRUCKING FACILITIES

The property shall not be less than two (2) acres in area. Access drives shall be no more than twenty-five (25') feet in width; parking and loading areas shall conform to the regulations within Article 11. No truck parking or terminal operation shall be allowed within fifty (50') feet of any lot line. Outside lighting shall be directed away from adjacent properties.

802.47 WAREHOUSE AND DISTRIBUTION FACILITIES

All materials shall be stored within a completely enclosed building and yard areas shall be kept clear of junk, trash or other types of debris. Access drives shall not exceed twenty-five (25') feet in width; parking and loading areas shall conform to the regulations of Article 11 of this ordinance. No warehouse activities, including parking and/or loading areas, shall be allowed within twenty (20') feet of any property line.

802.48 WAREHOUSE (SELF-STORAGE)

These facilities may be a building or group of buildings in a controlled-access and fenced compound, containing varying sizes of individual compartmentalized and controlled-access stalls or locker for dead storage of customers' goods and personal property, with storage available for rental to the general public.

And shall be contained within a completely enclosed building or buildings. There shall be a minimum spacing of twenty-five (25') feet between buildings for traffic circulation, parking and fire lane purposes. No activities including off-street parking shall be allowed within twenty (20') feet of a property line abutting a district having residences as a principal permitted use. All outside lighting shall be directed away from adjacent properties.

802.50 WAREHOUSE – TRUCKING

A business which services commercial truck traffic by utilizing a building or buildings and/or ancillary Temporary Storage Trailer to store goods or other items on the property. All temporary storage trailers must have Township Permits per Section 802.44 of the Hazle Township Zoning Ordinance. Trucking warehouse shall be a permitted use in an I-1 zone and a special exception in a B-2 zone.

802.5I WIRELESS COMMUNICATION FACILITIES See Article 20 of this Ordinance.

802.52 SOLAR ENERGY SYSTEMS Shall be subject to requirements of Article I7 of the Hazle Township Subdivision and Land Development Ordinance. (SALDO)

802.53 WIND ENERGY FACILITIES Shall be subject to requirements of Article I8 of the Hazle Township Subdivision and Land Development Ordinance. (SALDO)

NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

SECTION 901 INTENT

Within the zoning districts established by this Ordinance or subsequent amendments thereto, there may exist or will exist certain nonconforming uses of structures and/or land which if lawful before this Ordinance was passed or amended, may be continued, subject to the following limitations, although such uses would be prohibited, regulated or restricted under the terms and provisions of the Ordinance or subsequent amendments thereto.

SECTION 902 NONCONFORMING LOTS OF RECORD

In any zoning district, structures, both principal and accessory, may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions or regulations of this ordinance, even though such lots fail to meet the requirements for the area and/or width of the zoning district in which such lot is located. The erection of a structure on such a lot shall, however, conform to front, rear and side yard requirements for the zoning district in which such lot is located. Variances for the aforementioned yard requirements may be obtained only through action of the Zoning Hearing Board.

If two (2) or more adjacent lots, with continuous frontage, in single ownership, are lots of record at the effective date of the adoption or amendment of this Ordinance and if such lots do not meet the required lot area and/or width requirements, such lots shall be considered to be and undivided parcel and no portions of such parcel shall be used or sold in a manner which further diminishes compliance with the required lot area and/or width requirement for the zoning district in which such lots are located.

SECTION 903 CONTINUATION OF NONCONFORMITY

Any lawful nonconforming use and/or nonconforming structure may be continued except as otherwise provided in this Article, but any nonconforming use and/or structure shall not be enlarged, reconstructed, structurally altered or changed except as permitted by provisions of this Article.

SECTION 904 REGISTRATION OF NONCONFORMING USES AND STRUCTURES

The zoning officer may prepare and maintain an accurate listing of all nonconforming uses and structures. The zoning officer or the property owner may initiate the process of certifying the nonconformity of a given property. The zoning officer shall issue a Certificate of Nonconformity where it is found that the use or structure, although not in compliance with all applicable requirements of the zoning district in it is located, to be a lawful nonconforming use or structure.

SECTION 905 CHANGES OF NONCONFORMING USES

The Zoning Hearing Board may grant a special exception to allow one (1) nonconforming use to be changed to another nonconforming use, if the Board finds that all of the following provisions will be met:

A. No structural alterations are made.

B. The proposed change shall be less objectionable in external effects than that of the previous or existing nonconforming use and shall be more consistent with its physical surrounding.

C. There shall be no substantial increase in traffic generation or congestion, including both vehicular and pedestrian traffic.

D. There shall be no substantial increase in the danger of fire or explosion.

E. There shall be no substantial increase in noise, smoke dust, fumes, vapors, gases, heat, odor, glare, vibration, lighting or electrical disturbances.

F, There shall be no substantial increased threat to health by any reason including that of rodent, vermin or otherwise.

SECTION 906 ENLARGEMENT OF NONCONFORMING USES AND STRUCTURES

The Zoning Hearing Board may grant a special exception for the enlargement of a nonconforming use and/or structure, if the board finds the following standards will be met:

A. The enlargement will not replace a conforming use.

B. The nonconforming structure and/or use, after enlargement, will comply with the yard and lot coverage requirements applicable to the zoning district in which it is located.

C. The use and/or structure, after enlargement, will comply with all applicable off-street parking and/or loading requirements for said use and/or structure.

D. Not more than one (1) enlargement of a nonconforming use and/or structure shall be permitted in all districts except Conservation, Mining and Industrial Districts where up to four (4) enlargements may be permitted.

E. A nonconforming structure and/or use shall not be enlarged beyond the limits of the zoning lot on which it is located. Expansion to an adjoining lot shall be prohibited, even if such adjoining lot was in the same ownership at the effective date of the adoption of this Ordinance.

F. The enlargement shall not exceed twenty-five (25%) percent of the gross floor area or land area, except by the approval of a variance.

SECTION 907 RESTORATION OF USE

A nonconforming use and/or structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar act or cause to the extent of more than sixty (60%) percent of its reproduction value at the time of the damage shall not be restored except in conformity with the regulations of the zoning district in which it is located.

When damage is less than sixty (60%) percent of its reproduction value, a nonconforming building or other structure may be repaired or reconstructed and used as before the time of the damage, provided such

repairs or reconstruction are competed within two (2) years of the date of such damage provided that the site is cleaned up and the structure secured within two (2) months of the occurrence unless certification is provided from the insurance carrier, attorney or law enforcement agency stating that the site must stay as is and a date for securing the site.

A conforming residential use, which is constructed on a lot that is nonconforming with respect to lot area, lot width and/or yard areas, may be reconstructed subject to receiving approval from the Zoning Hearing Board for any necessary variance.

SECTION 908 TERMINATION OF NONCONFORMING USE AND/OR STRUCTURE

908.1 NONCONFORMING USE AND/OR STRUCTURE

A nonconforming use and/or structure shall not be reconstructed when damaged to an extent greater than sixty (60%) percent of its reproduction value at the time of the damage and said nonconforming use and/or structure shall be deemed terminated.

908.2 CHANGE OF NONCONFORMING USE

Where a nonconforming use is changed into a conforming use, a nonconforming use shall not thereafter be resumed. A change of any nonconforming use, without approval by the Zoning Hearing Board, shall be considered and abandonment of the prior nonconforming use, which shall not thereafter be resumed.

908.3 ABANDONMENT OF NONCONFORMING USE

The right to a nonconforming use shall be terminated and a nonconforming use shall not be resumed if a nonconforming use is abandoned A nonconforming use shall be deemed abandoned, if it is changed as set forth in Section 908.2 of this ordinance or if it is discontinued for a continuous period of two (2) years and the owner of said property fails to obtain a Certificate of Intention in accordance with Section 909 of this Ordinance which indicates his or her intent to resume the nonconforming use.

908.4 NONCONFORMING MOBILE HOMES

The removal of a mobile home as a nonconforming use upon a property with the intent to replace it with another mobile home may be permitted in accordance with the following standards:

1. The property owner shall provide the Zoning Officer with written notice of his intent to replace the structure and the date on which the current mobile home will be removed from the lot.

2. The placement of the new mobile home upon the lot shall be in conformance with all applicable setback requirements and area requirements for zoning district in which it is located.

3. A new mobile home shall be located upon the lot and connected with all utilities,

including sewage and ready for occupancy within one hundred and eighty (180) days from the date on previous mobile home was removed.

4. Place upon a permanent, cementitious foundation.

The removal of a mobile home as a conforming use upon a property with the intent to replace it with another mobile home shall be in conformance with all applicable setback requirements and area requirements for zoning district

908.5 UNSAFE STRUCTURES

If a nonconforming structure, containing a nonconforming use, becomes physically unsafe due to lack of maintenance or repairs and has been legally condemned, it shall not thereafter be restored, repaired or rebuilt except in conformity with uses permitted within the zoning district in which such structure is located.

SECTION 909 CERTIFICATE OF INTENTION FOR A NONCONFORMING USE

A Certificate of Intention shall be required in any instance when a nonconforming use of a structure, building and/or land is to be discontinued for a period of more than two (2) years and the owner or operator of the nonconforming use wishes to maintain a legal nonconforming status. A Certificate of Intention form shall be completed by the owner or operator of the discontinued nonconforming use. Said completed Certificate of Intention form shall be submitted to and approved by the Zoning Officer. The applicant shall indicate in writing the reason or basis for the discontinuation of the nonconforming use and the anticipated date on which the nonconforming use will resume.

A Certificate of Intention, as issued and approved by the Zoning Officer, shall be valid for a period of two (2) years from the date for issuance. A Certificate of Intention may be renewed annually by the owner or operator of the nonconforming use. Failure to renew a Certificate of Intention shall constitute a deemed abandonment of the use and forfeiture of the legal nonconforming use status of the property.

ARTICLE 10 SIGN REGULATIONS

Section 1001 SIGNS

1001.1 TYPE AND USE OF SIGNS

All signs shall be classified according to type and use as provided herein:

A. IDENTIFICATION SIGN: A sign which communicates the name and/or address of an occupant or a permitted home occupation upon the zoning lot on which the sign is located.

B. BUSINESS SIGN: A sign which communicate information concerning a business, profession, commodity, service, entertainment or development which is sold, offered, prepared, manufactured or conducted upon the zoning lot where the sign is located.

C. BILLBOARD OR OFF PREMISE ADVERTISING SIGN: A sign which communicates information concerning a subject, business, profession, activity, commodity, service entertainment or development not related to, sold, offered, prepared or manufacture on the zoning lot where the sign is located. This shall include temporary advertising signs.

D. REAL ESTATE SIGN: A temporary sign, having an area not greater than eight (8) square feet in area which advertises the sale, rental or development of the premises upon which the sign is located.

E. CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, indicting the names of the firm or firms performing the construction activities, including names of any architectural firms and engineering firm associated with the project.

F. SUBDIVISION DEVELOPMENT ADVERTISING SIGN: A temporary real estate sign, advertising the sale of property within an approved subdivision or planned residential development.

G. SUBDIVISION DEVELOPMENT IDENTIFICATION SIGN: A sign which displays the name of a subdivision and/or development at an entrance to the site upon which the subdivision and/or development is located.

H. INSTITUTIONAL SIGN: A sign which identifies a use pertaining to a school, church, hospital or other institution of a similar public or semipublic nature.

I. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: A sign commonly associated with and limited to, information and directions necessary for visitors entering or exiting a property, including signs marking entrance and exits, parking areas, circulation direction, restrooms and pickup and delivery areas. Such signs shall contain no advertising material.

J. EVENT SIGN: A temporary sign advertising not-for-profit events such as picnics, carnivals, bazaars, game night, arts and craft shows and similar types of fund raising activities.

SECTION 1002 CONSTRUCTION TYPES

All signs shall be classified according to construction types as provided herein:

A. FREESTANDING SIGNS: A sign not attached or applied to a principal building but supported by another structure, including structures designed for the sign itself and accessory structures.

B. WALL SIGN: A sign attached, painted or affixed to the wall of a principal structure or accessory structures.

C. PROJECTING SIGN: A sign that projects outward or extends more than two (2') feet from the building or structure.

SECTION 1003 PERMITTED SIGNS BY ZONING DISTRICT

The establishment, erection or reconstruction of any sign shall be in accordance with the regulations as set forth herein:

A. IDENTIFICATION SIGN: Such signs shall be permitted in all zoning districts.

B. BUSINESS SIGNS: Such signs shall be permitted in B-1, B-2, BP, C-1, I-1, I-2 and M-1 Zoning Districts.

C. REAL ESTATE SIGNS: Such signs shall be permitted in all zoning districts.

D. SUBDIVISION/DEVELOPMENT ADVERTISING SIGNS: Such signs shall be permitted in all zoning districts and any PRD zoning district, upon the creation of such.

E. SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGN: Such signs shall be permitted in all zoning districts and any PRD zoning district, upon the creation of such.

F. INSTITUTIONAL SIGNS: Such signs shall be permitted in all zoning districts.

G. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: Such signs shall be permitted in all zoning districts.

H. BILLBOARD SIGNS: Such signs shall be permitted in B-2, I-1, I-2 and M-1 Zoning Districts. Temporary Off Premise Advertising signs shall be allowed in B-1 B-2, I-1, I-2, M-1,BP and C-1 zoning districts.

I. EVENT SIGNS: Such signs shall be permitted all Zoning districts.

SECTION 1004 AREA, HEIGHT AND SETBACK REQUIREMENTS

The establishment, erection or reconstruction of permitted signs shall be governed by the following regulations:

A. IDENTIFICATION SIGN: An identification sign shall not exceed two (2) square feet in area. Such a sign shall be setback not less than five (5') feet from the front lot line. The maximum height of an identification sign, if free standing, shall not exceed ten (10') feet in height, or if attached to a building shall not be higher than the first story of the building to which it is attached.

B. BUSINESS SIGN: A business sign shall not exceed the total surface area indicated For the following Zoning Districts:

B-1 District – Thirty-Two (32) square feet

B-2 District – Two hundred (200) square feet

BP District – One Hundred (100) square feet

C-1 District – Twenty-five (25) square feet

I-1 District – Two Hundred (200) square feet

I-2 District – One Hundred (100) square feet

M-1 District – One Hundred (100) square feet

In an integrated grouping of commercial or industrial uses which is classified as a "Land Development", in addition to permitting each individual business establishment to display a business sign, one (1) sign shall be permitted on the lot, which indicates the name of the integrated grouping of commercial or industrial uses and/or the names of the business establishments locate therein. Only one (1) such

sign shall be permitted on the lot and such sign shall not exceed two hundred (200) square feet in area. The maximum height of any business sign shall not exceed twenty (20') feet.

C. REAL ESTATE SIGN: A temporary real estate sign shall not exceed six (6) square feet in area, having dimensions of 2' X 3' and shall be located on the same lot on which the property is offered for sale or rental. The sign shall be setback not less than ten(10') feet from the front lot line and shall be removed from the premises within thirty (30) days after the sale or rental of the property.

D. SUBDIVISION/DEVELOPMENT ADVERTISING SIGN: A subdivision/development advertising sign shall be considered a temporary real estate sign and shall not exceed six (6) square feet in area, having dimensions of 2' X 3'. The sign shall be located on the same property on which lots and/or homes in the subdivision are offered for sale. not more than one (1) sign shall be erected in any subdivision and such signs shall be setback not less than ten (10') feet from the front lot line. The sign shall be removed from the premises within thirty (30) days after the last lot and/or home is sold.

E. SUBDIVISION/DEVELOPMENT IDENTIFICATION SIGN:
A subdivision/development identification sign shall not exceed eight (8) square feet in area, having dimensions of 2'x4'. Not more than one (1) sign shall be erected in any entrance point to a subdivision/development and such signs shall be setback not less than ten (10') feet from the front lot line.

F. CONSTRUCTION SIGN: A construction sign shall not exceed six (6) square feet in area, having dimension of 2'X3' and shall be located upon the same property on which the construction activity is being conducted. An individual sign for each firm performing work upon the property shall be permitted. No sign shall be located within a public right-of-way or less than ten (10') feet from any public right-of-way. all construction signs shall be temporary in nature and removed within thirty (30) days following the completion of construction activity.

G. INSTITUTIONAL SIGN: An institutional sign for public and semipublic facilities, such as schools, churches, hospitals, libraries, colleges or other institutions of a similar nature shall not exceed fifty (50) square feet in area. The maximum height of such signs shall not exceed the maximum height restriction established for a principal structure in the district in which the sign is located. An institutional sign shall be not less than ten (10') feet from the front lot line.

H. ON-SITE DIRECTIONAL AND/OR INFORMATIONAL SIGN: An on-site directional and/or informational sign shall not exceed six (6) square feet in area. A front, rear or side yard setback of not less than five (5') feet shall be required for such signs. The maximum height of such signs shall not exceed six (6) feet.

I. BILLBOARD SIGN OR OFF PREMISE ADVERTISING SIGN: The following Regulations shall apply to any billboard advertising sign:

1. The advertising surface area of any panel shall not exceed three hundred (300) square feet and not more than one double-faced panel shall be permitted on the same structure or standard.

2. Such a sign shall not be located within one hundred (100') feet of any residential structure or residential zoning district.

3. There shall be a minimum spacing distance of three hundred (300') feet between all such signs.

4. Such signs shall not be attached to a building nor shall such signs be permitted to project above the maximum height limitation for the zoning district in which it is located.

1. (1) The following regulations shall apply to temporary off premise advertising signs and event signs.

a.) Spacing of temporary off premise advertising signs and event signs shall be no closer than 30 feet apart with a maximum of four (4) signs posted in 1320 feet (1/4 mile).

b.) Such sign shall be displayed for no more than seven (7) consecutive days. All companies, corporations, individuals (public or private) (profit and non-profit) shall not display any temporary off premise advertising signs or event signs sooner than seven (7) days between applications.

c.) There shall be a permit fee paid of $ 25.00. This amount may be changed from time to time; by resolution; at the discretion of the Hazle Township Supervisors.

d.) Failure to remove any temporary off premise advertising sign or event sign by the conclusion of seven (7) day permit period; unless extended by the Hazle Township Supervisors; or any signs found not to have a municipal Permit shall be subject to a per diem fine of ten ($10.00) dollars per sign and be responsible for all costs and charges for prosecution from the District Magistrate.

e.) The advertising panel of a temporary off premise advertising sign shall not exceed six (6) square feet per side. A banner sign which is attached to a building may be up to one hundred (100) square feet. There will be no more than one (1) banner sign allowed per advertising event.

f.) An Event Sign shall not exceed thirty-two (32) square feet in area, having dimension of 4' X 8'. Such signs shall not be attached to any tree, utility pole or structure within a public right-of-way.

SECTION 1005 NUMBER OF SIGNS

Excluding on-site directional and/or informational signs, and/or, temporary off premise advertising signs and event signs, not more than three (3) signs shall be permitted on any property located in any zoning district. In the case of a property located upon a corner lot, a total of four (4) signs shall be permitted.

SECTION 1006 SETBACK FOR FREESTANDING SIGNS

The minimum side yard setback and rear yard setback for any freestanding sign shall be not less than fifty (50%) percent of minimum side yard or rear yard setback for a principal structure in the zoning district in which the sign is located. The minimum front yard setback, shall be not less than twenty (20%) percent of the required setback for a principal structure in the zoning district in which the sign is located. If an existing building has a front yard setback that is less than ten (10') feet, any proposed new sign shall be attached flat against the building as a wall sign.

SECTION 1007 SIGNS RELATED TO NONCONFORMING USES

An existing sign related to a legally established nonconforming use shall be considered a nonconforming sign, which may be continued at its present dimensions and location, but shall not be enlarged. Where a nonconforming use is lawfully changed to another nonconforming use, a new sign shall be permitted being the same type and size as the previous sign. The new sign shall be erected on the property at the same location as the previous sign. The sign may be erected a t a different location provided it meets all applicable regulations for the zoning district in which it is located.

SECTION 1008 AREA COMPUTATION OF SIGNS

The area of a sign shall be construed to include all lettering, wording and accompanying design and symbols, together with the background including border and trim, whether open or enclosed on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. Computation of the area for particular signs shall be in accordance with the following regulations:

A. WALL SIGN: For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols together with any backing associated with the sign.

B. SEPARATE SYMBOLS: Where the sign consist of individual letters or symbols attached to or painted on a surface; building, wall or window the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

C. DOUBLE-FACE SIGN: When considering the area of a double face sign, both sides shall be computed.

D. CYLINDRICAL SIGN: The area of a cylindrical sign shall be computed by multiplying one-half (0.5) of the circumference by the height of the sign.

SECTION 1009 VERTICLE CLEARANCE

A freestanding sign and a projecting sign shall have a vertical distance of not less than nine (9') feet as measured from the lowest edge or point of the sign to the highest ground elevation located beneath the sign.

SECTION 1010 PROHIBITED SIGNS

The following types of signs shall not be permitted in any zoning district.

A. Signs which are located in such a position which endangers vehicular and/or pedestrian traffic by obscuring the site distance.

B. Signs which by design and/or location may be confused with traffic signs or signals.

C. Any sign located in or extending into a public right-of-way, including sidewalk areas, except an official street sign or traffic control sign.

D. Any freestanding or projecting sign within an area bounded by the intersection of two (2) public or private streets, for a distance of twenty (20') feet along the centerline of the right-of-way of such streets from the point of their intersection.

E. Freestanding or projecting signs over any type of public right-of-way, including sidewalk areas.

F. Sequential, flashing or oscillating signs.

G. Signs which due to their construction and/or location would constitute a hazard or a potential danger to the community.

SECTION 1011 PERMITS REQUIRED

Except for nonconforming signs, as provided in this Article, a zoning permit shall be required for the erection, alteration or relocation of all signs. Real estate signs and construction signs shall be exempt from securing a zoning permit.

ARTICLE 11 OFF-STREEET PARKING AND LOADING

SECTION 1101 PURPOSE

Off-street parking, loading and unloading facilities shall be provided to lessen traffic congestion in the streets. The facilities required by these provisions shall be available throughout the hours of operation for the particular business or use for which such facilities are provided. As uses herein, the term "parking space" includes covered garage or carport or uncovered parking lot space located off the public right-of-way.

SECTION 1102 SIZE OF OFF-STREET PARKING SPACES

Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet, being nine (9') feet in width and eighteen (18') feet in length, exclusive of access drives or aisles.

SECTION 1103 SIZE OF OFF-STREET LOADING SPACES

Each off-street loading space shall be not less than fifty (50') feet in depth, twelve (12') feet in width and provide and overhead clearance of not less than fourteen (14') feet. All loading areas shall be designed, constructed and used so that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out of the public right-of-way.

SECTION 1104 DIMENSIONS AND DESIGN

The dimension and design of off-street parking areas, including garages, shall comply with the following:

A. Stall width shall be at least nine (9') feet.

B. Stall depth shall be at least eighteen (18') feet for angle parking and twenty (20') feet for parallel parking.

C. The minimum width of aisles providing access to stalls, with one-way traffic, varying with the angle of parking, shall be:

Angle of Parking	Minimum Aisle Width
Parallel	2 feet
30 degrees	11 feet
45 degrees	13 feet
60 degrees	18 feet
90 degrees	20 feet

D. The minimum width for aisles providing access to stalls with two-way traffic shall be twenty-four (24') feet.

SECTION 1105 WIDTH OF ACCESS DRIVEWAYS

The width of a driveway intended to provide access to or from a property shall comply with the following:

A. A minimum of nine (9') feet for all single-family dwellings;

B. A minimum of twelve (12') feet for one-way traffic for all uses other than single-family dwellings.

C. A minimum of twenty (20') feet for two-way traffic for all uses other than single-family dwellings.

D. A maximum of twenty (20') feet at the street lines in residential districts and thirty (30') feet in all other districts.

SECTION 1106 NUMBER OF LOCATION OF ACCESS DRIVEWAYS

For the purpose of providing access to a property, driveways crossing a street line shall be forty (40') feet apart and shall be limited to two (2) along each front, rear or side lot line. On all corner properties, there shall be a minimum distance of thirty (30') feet from any driveway to the lot line fronting on the intersecting street.

There shall be adequate ingress or egress to all parking spaces. There shall be provided an access drive leading to off-street parking and/or loading areas. Such access drive shall not be less than ten (10') feet in width for residential use nor greater than twenty (20') feet and not less than twenty (20') feet, or greater than thirty (30') feet for any nonresidential use. Access drives to such off-street parking and/or loading areas shall be limited to well defined locations, not to exceed two (2) along each front, side or rear lot lines. For corner properties, all access drives shall be not less than thirty-five (35') feet from the intersection of streets, as measured along the right-of-way lines.

SECTION 1107 LOCATION OF OFF-STREET PARKING AREAS

The required off-street parking spaces for any type of use shall be located on the same lot as the Principal use to which it is accessory. The required off-street parking may be permitted on another lot subject to the following requirements:

A. The lot to be used for off-street parking and the lot on which the principal use is located shall be in the same zoning district.

B. The lot to be used for off-street parking and the lot on which the principal use is located shall be held under the same ownership.

C. The lot to be used for off-street parking shall be not less than three hundred (300') feet to any lot line on which the principal structure is located.

SECTION 1108 EXPANSION OF EXISTING USE

When an existing use of a building, structure or land is expanded, off-street parking and/or loading facilities shall be provided in accordance with the applicable provisions of this ordinance for the net increase of expansion based upon land area and/or gross floor area of the subject use.

SECTION 1109 CHANGE OF USE

Whenever an existing use of a building, structure or land is changed to a different use, the required off-street parking and/or loading facilities shall be provided in accordance with the applicable provisions of this ordinance based upon the proposed change in use.

SECTION 1110 GRADING PAVEMENT AND DRANAGE OF OFF-STREET PARKING

Off-street parking areas shall be graded in a manner to preclude standing surface water and to prevent damage to abutting properties and/or street. Of-street parking areas shall be surfaced with a pavement structure of bituminous asphalt material or concrete. The need for any catch basins, including the design, location and material of the same may be referred to the township Engineer for review and approval.

SECTION 1111 SCREENING

Properties which contain off-street parking for ten (10) or more vehicles and/or any amount of off-street loading, along a side yard or rear yard which abuts a residential district or residential use, shall be screened by a substantial, tight fence not less than six (6') feet in height and a planting strip not less than five (5') feet in depth, with shrubbery, plants or trees which are a minimum of three (3') feet in height at the time of planting.

SECTION 1112 LIGHTING

All lighting used to illuminate off-street parking or loading areas shall be designed, installed and maintained in accordance with the Hazle Township Lighting Ordinance.

SECTION 1113 PARKING IN SETBACK YARD AREAS

Required parking shall be permitted within the required front or side yard setbacks, provided that the minimum setback distance to any area used for off-street parking is not less than five (5') feet to the nearest point of a side yard property line and not less than ten (10') feet from the front yard property line. Any off-street parking areas for a nonresidential use, when abutting a residential zoning district or a residential property shall be setback a minimum of ten (10') feet from the rear yard and any side yard.

SECTION 1114 EXISTING STRUCTURES AND USES

Structures and uses in existence at the date of adoption of this ordinance shall not be subject to the off-street parking or off-street loading requirements, so long as a structure or use is not changed, altered or expanded. Existing off-street parking or off-street loading facilities provided prior to the adoption of this ordinance shall not be reduced below the minimum required in this ordinance.

SECTION 1115 FRACTIONAL SPACE

When required parking computation results in fractions any fraction shall be construed to require a full space.

SECTION 1116 MULTIPLE ACTIVITIES OR USES

In any instance where a nonresidential structure, buildings or use of land contains more than one (1) defined use, the required parking for each specific use shall be provided.

SECTION 1117 OFF-STREET PARKING REQUIREMENTS

Any structure, building or use of land hereafter erected, converted, enlarged or placed into use shall comply with the minimum off-street parking spaces as provided herein:

1. Single-family Structure: One (1) space for each dwelling unit.

2. Two-family Structure: One (1) space for each dwelling unit.

3. Multifamily Residential, (including Townhouses and Garden Apartments: Two (2) spaces for each dwelling unit.

4. Boarding House or Rooming House: One (1) space for each guest room.

5. Home Occupation:

   (a) Four (4) spaces for any medical practitioner.

   (b) Two (2) spaces for all other home occupations.

   The above requirements do not include those required for the dwelling unit.

6. Churches and Similar Places of Worship: One (1) space for every four (4) seats in the main assembly room or one (1) space for each twelve (12') feet of bench length; if fixed seating is not provided, one (1) space for every thirty (30) square feet of gross floor area.

7. Places of Public or Private Assembly, including Auditoriums, Meeting Halls and Community Centers: One (1) space for every four (4) seats or one (1) space for each fifty (50) square feet of floor area when there is no fixed seating.

8. Schools, Elementary and Secondary: One (1) space for each staff member, plus one (1) space for every twenty (20) classroom seats.

9. College, Commercial, Business or Vocational Trade Schools: One (1) space for each staff and/or faculty member, plus one (1) space for every five (5) classroom seats.

10. Nursery or Day Care Schools: One (1) space for each employee, plus one (1) space for every five (5) children, based upon the maximum number of children which the facility is licensed to serve.

11. Hospitals/Nursing Homes: One space for each five (5) beds, plus one space for each two (2) employees on a maximum working shift.

12. Medical or Dental Offices or Clinics: Six (6) spaces for every doctor, dentist, chiropractor or other licensed medical practitioner.

13. Nonprofit Social Halls, Clubs, and Lodges: One (1) space for every one hundred (100) square feet of gross floor area.

14. Public Uses: One (1) space for every two hundred (200) square feet of gross floor area.

15. Public Utility Facilities: Two (2) spaces per facility; if the facility includes maintenance and/or storage yards then the required number of spaces shall be one (1) for each employee assigned to work at such facility.

16. Outdoor Recreational Facilities: In cases where such facilities include spectator seating there shall be one (1) space for every four (4) seats: facilities which do not provide any spectator seating shall provide one (1) space for every two thousand (2,000) square feet in the recreational site; plus an additional ten (10) spaces, if there is a swimming pool and an additional two (2) spaces if there is playground equipment.

17. Retail Businesses: One (1) space for every three hundred (300) square feet of gross floor area.

18. Eating and Drinking Establishments: One (1) space for every three (3) seats, plus two (2) spaces for every three (3) employees based upon the maximum working shift.

19. Fast Food Restaurant: One (1) space for every eighty (80) square feet of service or dining area, with a minimum of five (5) spaces. A fast food restaurant with a drive-in window shall, in addition to the above requirements, provide eight (8) stacking spaces for the drive-in window designated for the ordering station. Such spaces shall be designed in a manner not to impede pedestrian or vehicular circulation on the site or on any abutting street.

20. Entertainment Facilities: Such facilities as defined in Article 2 of this Ordinance, shall require one (1) space for every two hundred (200) square feet of gross floor area.

21. Miniature Golf: Two (2) spaces for each tee.

22. Personal Services: As defined in Article 2 of this Ordinance, such establishments Shall provide one (1) space for every three hundred (300) square feet of gross floor area; the following exceptions include:

    A. Self-service Coin Operated Laundries and Dry Cleaners: Shall provide one (1) space for every two (2) washing or drying machines.

    B. Health Clubs: Shall provide one (1) space for every two hundred (200) square feet of gross floor area; any such club which also serves food and/or beverages shall also comply with the parking requirements of any eating or drinking establishment.

23. Animal hospital: Five (5) spaces for every veterinarian.

24. Group Residence: One (1) space for each two employees based upon the maximum working shift and one (1) space for each two residents who are eligible to operate a vehicle.

25. Funeral Homes: Twenty (20) spaces for each viewing parlor.

26. Professional Offices: One (1) space for every two hundred (200) square feet of gross floor area.

27. Motels and Hotels: One (1) space for each unit for guest accommodations plus one (1) space for each three employees on the maximum working shift. any such facility, which also serves food and/or beverages, shall also comply with the parking requirements of an eating or drinking establishment.

28. Self Storage Warehouse: One (1) space for every ten (10) stalls or lockers available for rental, plus one (1) for each employee on the maximum working shift.

29. Gasoline Service Stations: Two (2) exterior spaces for each service bay, one (1) space for each pump, plus one (1) space for every two hundred (200) square feet of gross floor area which is used for the sale of retail goods, including food and/or beverages.

30. Automobile Car Washes: One (1) space for each employee on the maximum working shift.

31. Automotive Sales: One (1) exterior space for every six hundred (600) square feet of gross interior floor space plus one (1) additional space per each 5,000 square feet open sales or display area.

32. Automotive Repairs: One (1) exterior space for every two hundred (200) square feet of gross interior floor area.

33. Equipment Sales and Repairs: One (1) exterior space for every two hundred (200) square feet of gross floor space.

34. Industrial, Manufacturing, Wholesale and Warehouse Establishments, Truck Terminals, Research and Testing Facilities: One (1) space for every one thousand (1000) square feet of gross floor area; plus one (1) space for every two (2) employees on the maximum working shift; in any case, however, the total parking area shall be not less than twenty-five (25%) percent of the total gross square feet of the building.

SECTION 1118 PARKING FOR OTHER NONRESIDENTIAL USES

Any commercial use or nonresidential use of a structure, building or land, not specifically listed within Section 1117 of this Ordinance shall provide one (1) off-street parking space for every three hundred (300) square of gross floor area or lot area.

SECTION 1119 OFF-STREET LOADING REQUIREMENTS

All commercial and industrial establishments shall provide off-street loading , unloading and commercial vehicle storage space adequate for their needs. In no case shall a public right-of-way be used for the loading, unloading or storage of such vehicles.

SECTION 1120 PROVISION OF HANDICAPPED PARKING SPACES

All structures or uses shall conform to the provisions of the current International Building code (IBC) and the ANSI Al 17.1 or the following Section whichever is the stricter. Any business, individual or corporation that owns, leases or operates a facility which includes the provision of public accommodations and/or commercial facilities shall be governed by the provision of this section. A facility which provides public accommodations shall include, but may not be limited to the following:

places of lodging

establishments serving food or drink

places of exhibition or entertainment

places of public gathering

sales or rental establishments

service establishments, stations used for specified public transportation

places of public display or collection

places of recreation

places of education

social service center establishments and places of exercise or recreation.

A commercial facility shall include any business whose operations are open to the general public.

SECTION 1121 DESIGN FEATURES FOR HANDICAPPED PARKING SPACES

The following provisions shall apply for required handicapped parking spaces. The provisions of the current International Building Code (IBC) and the "ANS"I Al 17.1 shall be followed or of the following Section whichever is the stricter:

1. An area not less than five (5') feet in width shall be provided between each handicapped parking space. Said area shall be marked and/or designed to prevent parking therein.

2. An area not less than eight (8') feet in width shall be provided between each van accessible parking space. Said area shall be marked and/or designed to prevent parking therein.

3. Vehicular access to handicapped parking areas shall have a minimum vertical clearance of not less than nine and one half (9.5') feet.

4. An off-street parking area shall be designed to provide accessible routes from the handicapped parking areas to an accessible building entrance and to public streets and sidewalks, which adjoin the off-street, parking area.

Handicapped accessible spaces, serving a particular facility, shall be located on the shortest accessible route of travel from the parking area to an accessible entrance.

SECTION 1122 SIGNAGE FOR HANDICAPPED PARKING

Handicapped accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Parking spaces designed for vans shall have an additional sign reading "Van-Accessible" mounted below the accessibility sign. Such signs shall be located in a manner so a vehicle cannot obscure them. The provisions of the current International Building Code (IBC) and the ANSI Al 17.1 shall be followed or of the following section whichever is the stricter.

SECTION 1123 MINIMUM NUMBER OF HANDICAPPED ACCESSIBLE SPACES

When parking spaces are provided for self-parking by employees or visitors, or both, within the total number of off-street parking spaces required under Section 1117 and/or Section 1118 of this Ordinance, the following table shall be used to determine the required number of handicapped accessible spaces. The provisions of the current International Building Code (IBC) and the ANSI A1 17.1 shall be followed or of the following Section whichever is the stricter:

TOTAL NO. OF SPACES	REQUIRED NO. OF ACCESSIBLE SPACES
1 TO 25	1
26 TO 50	2
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1000	2 PERCENT OF TOTAL

ARTICLE 12 ENFORCEMENT AND ADMINISTRATION

SECTION 1201 ZONING OFFICER

1201.1 APPOINTMENT

The Board of Supervisors shall appoint a zoning officer, who shall not hold any elected office within Hazle Township. The zoning officer shall meet qualifications established by Hazle Township, which shall at minimum include, a working knowledge of municipal zoning.

1201.2 DUTIES AND POWERS OF THE ZONING OFFICER

It shall be the duty of the zoning officer to enforce the provisions of this ordinance in accordance with its literal terms and said Officer shall not have the power to permit any construction, alteration or any use or change of use to land or structure which does not conform to the applicable provisions within this Ordinance. The zoning officer's duties shall include but are not limited to the following:

(A) Receive and review all applications for zoning permits and to approve and issue zoning permits when warranted.

(B) Keep an official record of all business and activities, including all complaints of zoning violations of any of the provisions of this Ordinance and the resulting action of said complaints.

(C) Conduct inspections of properties as required fulfilling his/her duties. In conducting such activities, the zoning officer may have access to any land, building or structure.

(D) Issue permits as authorized by the zoning hearing board or the planning department, pursuant to the requirements and applicable procedures of this ordinance or by written order of a Court of proper jurisdiction.

(E) Issue certificates of zoning compliance in accordance with the terms and provisions of this ordinance.

(F) Issue certificates of nonconformity to nonconforming uses and/or structures and to maintain a listing of such as required.

(G) Maintain the zoning map, showing the current zoning districts of all land and the zoning text, including amendments thereto.

(H) Notify the zoning hearing board of required and/or requested hearings based upon

the completion of his review and processing of applications for a zoning permit. The submission of an application for a zoning permit to the zoning officer and his determination that a hearing before the board is either required or requested shall be a prerequisite for any application being forwarded to the Zoning Hearing Board for consideration.

(I) Participate in proceedings before the zoning hearing board and planning department and at their request, furnish such facts, records and similar information which may assist them in rendering decisions.

SECTION 1202 ZONING PERMIT

1202.1 ISSUANCE OF PERMIT

No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall any land, structure or building be put to any use without first obtaining a zoning permit from the zoning officer. No application shall be submitted to or considered by the zoning hearing board until the zoning officer has received an application for a zoning permit and has determined that an approval and/or review by the zoning hearing board is required or requested by the applicant. No such permit shall be issued except in conformity with the provisions of this ordinance or upon written order from the zoning hearing board in the form of a special exception, variance or as otherwise provided for by this ordinance or any Court of proper jurisdiction.

1202.2 FORM OF APPLICATION

All applications for permits shall be made in writing by the owner, his authorized agent or equitable owner and shall be filed with the zoning officer on forms prescribed by the same. all applications shall be accompanied by two sets of plans and information, which includes but is not limited to the following.

(A) A plan drawn to scale, indicating the actual dimensions and shape of the lot to be built upon and a written statement that the applicant is the owner or authorized agent of the owner or equitable owner.

(B) The exact size and location on the lot of existing and/or proposed structures, buildings or signs, including proposed additions thereto.

(C) The number and type of dwelling units, if applicable.

(D) The amount and location of parking and/or loading facilities.

(E) The existing use and/or proposed use of the property.

(F) The height of the building, structure and/or sign.

(G) A detailed scale drawing of all signs, existing and proposed, indicating their location and how they are and/or will be affixed to the property.

(H) Existing and/or proposed access to the site.

(I) Any other information deemed necessary by the zoning officer to determine conformance with the provisions and regulations of this ordinance.

1202.3 PROCESSING APPLICATIONS

The zoning officer shall return one copy of the plans and accompanying information to the applicant upon marking such copies approved or denied and attested to the same by his signature. One copy of the plans and accompanying information shall be retained by the zoning officer and kept on file.

1202.4 TIME PERIOD FOR PROCESSING APPLICATION

A zoning permit shall be approved or denied within thirty (30) days from the date of receipt of a completed application and plans along with any additional information as required by the zoning officer. A zoning permit shall not be deemed complete, until all applicable and associated fees are paid in full, in cases of denial, the application shall be informed of his/her rights of appeal a prescribed within this ordinance.

1202.5 EXPIRATION OF ZONING PERMIT

A zoning permit shall be approved or denied within thirty (30) days from the date of receipt of a completed application and plans along with any additional information as required by the zoning officer. A zoning permit shall not be deemed complete, until all applicable and associated fees are paid in full, in cases of denial, the applicant shall be informed of his/her rights of appeal as prescribed within this ordinance. Such notice shall be in writing under the signature of the zoning officer.

1202.6 REVOCATION OF PERMITS

The zoning officer may revoke a permit or approval issued in error under the provisions of the occupation for the use or change of use of any building, structure or land. It shall be unlawful to use and/or occupancy structure, building and/or land or portions thereof in any manner until a certificate of zoning compliance has been issued and obtained from the zoning officer. Residential accessory structures uses shall be exempt from securing a certificate of zoning compliance.

Any certificate of zoning compliance issued before the effective date of this ordinance shall remain in effect thereafter for the use and purpose for which it was issued and such use and purpose shall continue to be lawful and allowed hereunder this ordinance.

1203.1 APPLICATIONS

All applications for certificate of zoning compliance shall be made in writing on forms prescribed by the zoning officer and shall include all information necessary for the zoning officer to ascertain compliance with the subject zoning permit and this ordinance.

1203.2 ISSUANCE OF CERTIFICATE OF ZONING COMPLIANCE

A certificate of zoning compliance shall not be issued until the zoning officer has certified the proposed use complies with all provisions and regulations of this ordinance or upon written order from the Zoning Hearing Board or any Court of proper jurisdiction.

1203.3 TIME LIMITATION

An application for a certificate of zoning compliance shall be approved or denied within thirty (30) days after the zoning officer has been officially notified of either the completion of construction or the request to occupy and use land where no construction is involved.

SECTION 1204 ENFORCEMENT PROCEDURES

1204.1 NOTICE OF VIOLATION

If in the judgment of the zoning officer, it appears that a violation of this ordinance has occurred, the zoning officer shall initiate enforcement proceedings by sending a violation notice to the owner of record of the parcel of land on which the violation has occurred to any person who has filed a written request to receive violation notices regarding the parcel of land and to any to the person requested in writing by the owner of record. The violation notice shall include, but may not be limited to the following:

(A) The name of the owner of record and any other person against whom Hazle Township intends to take action.

(B) The location and/or address of the property in violation.

(C) The specific violations with a description of the requirements, which have not been met, citing in each instance the applicable sections and provisions of this ordinance.

(D) The date by which the steps for compliance must be commenced and the date by which the steps for compliance must be completed.

(E) That the recipient of the violation notice has the right to appeal the violation notice and request a hearing on the same before the Zoning Hearing Board within thirty (30) days from the issuance of the violation notice. Section 1506, Hearings, (L) shall govern the procedural process of any appeal of a violation notice.

(F) Failure to comply with the notice within the specified time period, unless extended by an appeal to the zoning hearing board, constitute a violation with a description of sanctions, which shall result to correct or abate the violation.

1204.2 CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance , the Board of Supervisors, with the approval of the Board of Supervisors, an officer or agent of Hazle Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this ordinance. When a landowner or tenant institutes such action, notice of that action shall be served upon Hazle Township not less than thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Board of Supervisors. No action may be taken until such notice has been given.

1204.3 JURISDICTION

District Justice shall have initial jurisdiction over proceedings brought under this Section 1204.4 of this Ordinance.

1204.4 ENFORCEMENT REMEDIES

Any person partnership or corporation who or which has violated or permitted the violation of the provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceedings commenced by Hazle Township or the Zoning Officer, shall pay a judgment of not more than three hundred ($300.00) dollars, plus all court costs, including reasonable attorney fees incurred by Hazle Township as a result of said proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice and for the violation as of that date of such determination. If the defendant neither pays nor timely appeals the judgment, Hazle Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In such cases, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and Thereafter each day that a violation continues shall constitute a separate violation. All judgment, costs and reasonable attorney fees collected for the violation for this Ordinance shall be paid over to Hazle Township.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant any person or entity other than Hazle Township the right to commence any action for enforcement pursuant to this Section.

SECTION 1205 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Board of Supervisors shall establish by resolution a schedule of appropriate fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, certificates of nonconformance, appeals to the Zoning Hearing Board, applications for conditional uses, amendments to the zoning ordinance or zoning map and any other matters pertaining to the administration of this ordinance. The schedule of fees, charges and expenses shall be available for public inspection and may be altered or amended by resolution of the Board of Supervisors. No action shall be taken on any application, appeal or certificate until all related fees, charges and expenses have been paid in full. An applicaton shall not be deemed as filed until completed and submitted with payment in full of appropriate fees.

SECTION 1205.1 FEE SCHEDULE See Hazle Township Fee Schedule

a. Other fees (Planning, Building, Recreational, etc.) may also be required.

Purchase of Zoning map

Contact municipal engineer

No action shall be taken on any application, appeal or certificate until all related fees, charges and expenses have been paid in full. An application shall not be deemed as filed until completed and submitted with payment in full of appropriate fees.

ARTICLE 13

AMENDMENTS

SECTION 1301 AMENDMENT PROCEDURE

The provisions of this Ordinance and the boundaries of the zoning districts as set forth upon the Zoning map, may from time to time be amended by the Township Board of Supervisors in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended. Prior to adopting any amendment to this Ordinance or to the Zoning Map, the following procedures shall be met:

(A) Any propose amendment, not initiated by the Township Planning Department, shall be referred to the Township Planning Department not less than thirty (30) days prior to a public hearing before the township Board of Supervisors to provide the Township Planning Department an opportunity to submit any comments or recommendations regarding the proposed amendment.

(B) Prior to voting on the enactment of any proposed amendment, the Township Board Of Supervisors shall hold a public hearing pursuant to public notice. If, after any public hearing held upon a proposed amendment, said amendment is substantially changed, or is revised to included land not previously affected by the proposed, amendment, the Township Board of Supervisors shall hold another public Hearing before proceeding to vote on the amendment.

(C) Any recommendation of the Township Planning department shall be submitted to the Township Board of Supervisors in writing.

(D) Not less than thirty (30) days prior to the public hearing, the Township Board of Supervisors shall submit the proposed amendment to the Luzerne County Planning Commission for its comments and recommendation. In addition to the proposed amendment, the Township Board of Supervisors shall submit the required fees charged by the Luzerne County Planning Commission for their review.

(E) Proposed action shall not be taken until the Township Planning Department and The Luzerne County Planning Commission comments and recommendations are submitted to the Township Board of Supervisors. If either fails to act within thirty (30) days, from its receipt of the proposed amendment, the Township Board of Supervisors may proceed without such recommendation.

(F) When a propose amendment involves a zoning map change, the following procedure shall be applicable:

1. Notice of said public hearing shall be conspicuously posted by Hazle Township at point seemed sufficient along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted not less than one week prior to the date of the public hearing.

2. In addition to posting the tract, written notice will be provided to the owners of all properties within a distance of two hundred (200) feet of any property boundary line of the property subject to the proposed zone change, by first class mail, at least thirty (30) days prior to the public hearing. The notice shall include the location, time and date of the public hearing. It shall be the responsibility of the applicant to provide the Township with the names and mailing addresses of the true and correct owners of record based upon the records contained in the Luzerne County Tax Assessor's Office and a copy of the corresponding Tax Assessment Map of the true and correct owners of record whose Properties fall within the required distance of two hundred (200) feet. while it shall be the intent of Hazle Township to provide written notice to such owners who may be substantially interested in the proposed amendment to the Zoning Map, failure to do so, shall not invalidate an otherwise a duly enacted ordinance which provides for a change in the Zoning Map.

3. The above requirements shall not apply when the rezoning constitutes comprehensive rezoning.

SECTION 1302 APPLICATIONS FOR AMENDMENTS TO THE TEXT OR MAP

The application for a proposed amendment, which is not submitted as a curative amendment, to the text of this Ordinance or to the Zoning Map, shall be submitted in writing to the Zoning Officer, who shall process said application in accordance with Section 1301 of this Ordinance. An application shall contain the following information when applicable:

(A) The applicant's name and address and/or the name and address of his authorized Agent or the equitable owner.

(B) A signed statement by the owner of record attesting to the truth of the facts of all information contained within the application.

(C) A scaled plan of the area proposed to be rezoned, which indicates abutting streets, the zone classification of adjoining properties and the names and addresses of the true and correct owners of record based upon the records contained in the Luzerne County Tax Assessor's Office, for a distance (diameter) extending two hundred (200') feet from the area proposed to be rezoned.

(D) Plans, drawings and explanatory material, which describes in detail the applicant's proposed use and/or development of the property.

(E) Specify those Sections of this Ordinance or areas upon the Zoning Map which will be affected by the proposed amendment.

SECTION 1303 CURATIVE AMENDMENT

1303.1 INITIATED BY LANDOWNER

A landowner who desires to challenge on substantive grounds the validity of the Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Township Board of Supervisors with a written request that his challenge and proposed amendment to cure the alleged defect, be heard and decided by the township Board of Supervisors, in addition to the written request and proposed amendment, the landowner shall also sub it plans, drawings and explanatory material, which describes in detail his proposed use or development. The Township Board of Supervisors shall commence a public hearing pursuant to public notice within sixty (60) days of the landowner's request. The sixty (60) day period shall not commence until all required information and material is submitted, along with all related fees.

The curative amendment and supporting information shall be referred to the Township Planning Department and the Luzerne County Planning Commission for their review and comment not less than thirty (30) days prior to the public hearing.

The public hearing before the Township Board of Supervisors shall be conducted in accordance with the procedures contained in Section 1406 of this Ordinance and all references therein to the Zoning Hearing Board shall, for the purposes of this Section, be references to the Township Board of Supervisors. Public notice of the required public hearing shall include notice of the validity of those particular provisions of the Ordinance and/or the Zoning Map which are in question, along with the place where the proposed Amendment, plans, drawings, explanatory material and any other pertinent information may be examined by the public.

If the Township Board of Supervisors determines that a validity challenge has merit, it may accept a landowner's curative amendment, with or without revisions, or it may adopt and alternative amendment which will cure the challenged defects. The township Board of Supervisors shall consider in addition to the proposed curative amendment, plans, drawings and explanatory material the following items:

(A) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

(B) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance and/or Zoning Map.

(C) The suitability of the site for the intensity of use proposed in relationship to the site's soils, slopes, woodlands, flood plains, aquifers, natural resources and other natural features.

(D) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands flood plains, aquifers, natural resources and other natural features in relationship to the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

(E) The impact of the proposal on the preservation of agriculture and any other land uses which are essential to the public health and welfare.

The proposed curative amendment shall be deemed denied in accordance with any of the following:

(A) When the Township Board of Supervisors notifies the landowner that it will not adopt the curative amendment.

(B) When the Township Board of Supervisors adopts another curative amendment which is unacceptable to the landowner.

(C) When the Township Board of Supervisors fails to commence the required public hearing within sixty (60) days after the request is filed for the curative amendment.

(D) When the Township Board of Supervisors fails to act on the request within forty-five (45) days after the close of the last public hearing on the request, unless the time is extended by mutual consent by the landowner and the Township Board of Supervisors.

1303.2 INITIATED BY THE TOWNSHIP

If the Township Board of Supervisors determines this Ordinance or the Official Zoning Map, or any portion thereof, to be substantially invalid it shall declare such by a formal action and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) day following said declaration, the Township board of Supervisors shall by resolution make specific findings setting forth the declared invalidity which may include:

(A) Reference to specific uses which are either not permitted or not permitted in sufficient quantity.

(B) Reference to a class of use of uses which require revision.

(C) Reference to the entire Ordinance and/or Map which requires revisions.

Within one hundred and eighty (180) days from the date of the declaration and proposal as set forth in this Section, the Township Board of Supervisors shall enact a curative amendment to correct those portions deemed invalid or reaffirm the validity of those portions initially deemed to be invalid. Upon the initiation of procedures as set forth in this Section, the Township Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment, nor shall the Zoning Hearing Board be required to consider a substantive

challenge to the validity of the zoning Ordinance or Zoning Map, pursuant to section 1408 (A) of this Ordinance, based upon grounds identical to or substantially similar to those specified in the Township Board of supervisors resolution.

The Township Board of Supervisors, having utilized the procedures as set forth in this Section, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Ordinance and/or Zoning Map. However, if after the date of declaration and proposal there is a substantially new duty or obligation impose upon Hazle Township by virtue of a change in stature or by virtue of a Pennsylvania Appellate Court decision, Hazle Township may utilize the provisions of this Section to prepare a curative amendment to fulfill said duty or obligation.

SECTION 1304 ENACTMENT OF AMENDMENTS

A proposed amendment to this Ordinance or to the Zoning Map shall be enacted in conformance with the following:

(A) The Township Board of Supervisors shall conduct a public hearing pursuant to public notice and in accordance with the procedures as contained within Section 1301 of this Ordinance.

(B) Public notice shall include the time, place and date of the meeting at which enactment will be considered and a place within Hazle Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

(C) Public notice shall include either the full text of the amendment or the title and a brief summary of the amendment as prepared by the municipal solicitor. If the full text is not included, then a copy of such shall be supplied to the newspaper in which the public notice is published and an attested copy to the County Law Library.

(D) In the event substantial changes are made to the proposed amendment, before voting upon enactment, the Township Board of Supervisors shall, not less than ten (10) days prior to enactment, re-advertise in one newspaper of general circulation in Hazle Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the changes.

SECTION 1305 NOTIFICATION TO COUNTY

Within thirty (30) days after the enactment of an amendment to this Ordinance or to the Zoning Map, a copy of the amendment shall be forwarded to the Luzerne County Planning Commission.

ARTICLE 14 ZONING

HEARING BOARD

SECTION 1401 MEMBERSHIP OF BOARD

The membership of the Zoning Hearing Board shall consist of three (3) residents of Hazle Township appointed by the Township Board of Supervisors by resolution. The terms of office for Board members shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Township Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the un-expired portion of the term. Members of the Board shall hold no other office in the Township, including membership upon the Planning Commission.

SECTION 1402 REMOVAL OF MEMBERS

Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for any other just cause by the Township Board of Supervisors. Prior to any vote by the Township Board of Supervisors, the member shall receive notice fifteen (15) days in advance of the date at which it intends to take such a vote. A hearing before the Township Board of Supervisors shall be held in connection with the vote, if the member requests a hearing in writing.

SECTION 1403 ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board. The Board, however, may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1406.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of Hazle Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit an annual report of its activities to the Township board of Supervisors.

SECTION 1405 EXPENDITURES FOR SERVICES

Within the limits of appropriated funds, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and technical services which they may deem necessary to augment the Board in the performance of their duties.

SECTION 1406 HEARINGS

The Zoning Hearing Board shall conduct hearings and render decisions in accordance with the following:

A. Notice of hearings before the Board shall be by public notice; a notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of matters to be considered at the hearing by the Board. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

B. Written notice of all hearings before the Board shall be conspicuously posted on the affected property not less than one week prior to the hearing.

Written notice shall be given to the Zoning Officer, to the applicant, to the owner of record of the subject property before the Board, if different than that of the applicant, to the owner of record of any property which has a common side yare or rear yard boundary or opposite frontage with the subject property before the Board and to any party or person who has submitted a written request to receive notification on the subject property.

The applicant shall be responsible for providing the Zoning Hearing Board with the names addresses of the true and correct owners of record based upon the records contained in the Luzerne County Tax Assessor's Office. While it shall be the intent of the Hazle Township Zoning Hearing Board to provide written notice to property owners which have a common side yare, rear yard or opposite frontage to the subject property before the Board, failure to do so, shall not represent a basis for appeal or otherwise invalidate a decision and/or finding of the Zoning Hearing Board.

In the event a hearing is continued to a future date for the purpose of obtaining additional information, additional testimony or to render a decision and the Zoning Hearing Board publicly announces during the course of the hearing the time and date for the resumption of The hearing, additional written notice need not be provided to the above parties.

C. The Township Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board. Fees for said hearings may include compensation for the secretary, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board or expenses for engineering, architectural or other technical consultants or expert witnesses.

D. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. The sixty (60) day time period shall not commence until the applicant has submitted the required application, Properly completed, with all required signatures and all required fees. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. Any party aggrieved by the schedule or progress of hearings may apply to the Court of Common Pleas for relief. The hearing shall be completed no later than one hundred (100) days after the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas.

E. Hearings shall be conducted by the Board or by any member appointed by the Board as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board, unless the appellant or applicant, as the case may be, in addition to the Township, agree to waive any decision or findings by the Board and accept the decision or findings of the hearing officer as final. If the decision or findings of the Hearing officer are to be accepted as final all parties to the hearing must agree to such stipulation at the outset of the hearing.

F. The parties to the hearing shall be the Township, any person affected by the application who has made a timely appearance of record before the Board and any other person including civic or community organizations permitted to appear by the Board. The Board Shall have power to require that all persons who wish to be considered parties to the Hearing enter appearances in writing on forms provided by the Board for such purpose.

G. The presiding chairman or acting chairman of the Board or hearing officer shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and the production of relevant documents and papers, including witnesses and documents Requested by parties to the hearing. The parties to the hearing shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and arguments and to cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board, if such appeal is made and in the event the cost of additional copies shall be paid by the person requesting such copies. In other cases the party requesting the original transcript shall bear the cost thereof.

J. The Board, collectively or individually, or the hearing officer, shall not communicate directly or indirectly with any party or his representatives in connection with any issue before the Board involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from its solicitor, unless all parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative u less all parties are given an opportunity to be present.

K. The Board or the hearing officer, as the case may be, shall render a written decision or, if no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. If the application is contested or denied, each decision shall be accompanied by findings of fact and conclusion based thereon, together with the reasons therefore. Conclusions based on any provisions of the Ordinance or any other ordinance, rule or regulation, shall contain a reference to the provisions relied upon and the reasons why the conclusion is deemed appropriate

in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties of record within forty-five day. The parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, with the Board's decision entered no later than thirty days after the report of the hearing officer. If the Board fails to commence, conduct or complete the required hearing as provided for under Section 1406(D), the decision shall be deemed to have been tendered in favor of the applicant, unless the applicant has agreed to in writing or on the record to an extension of time. If a decision has been rendered in favor of the applicant because of their failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided under Section 1406 (A) and written notice of the decision shall be mailed to those parties identified under Section 1406 (B). If the Board fails to provide such notice, the applicant may do so. Nothing contained within this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. If any appeal of an enforcement notice under Section 1204.1 of this Ordinance to the Zoning Hearing Board shall require that the Zoning Officer and/or Township provide its evidence first to the Board regarding the basis, nature and supporting information regarding the subject enforcement notice. Upon the conclusion of the same, the appealing party shall provide the Board with his/her evidence in contesting the subject enforcement notice. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to said party, if Zoning Hearing Board or any subsequent Court rules in favor of the appealing party.

M. The final decision or, where no decision is called for, the findings shall be rendered by the Zoning Hearing Board at a public hearing. A copy of the written decision or findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the Board's decision or findings. The Zoning Hearing Board shall provide by mail or otherwise, to all persons who have filed their name and address with the Board, not later than the last day of the hearing, a statement of brief notice of the decision or findings and a statement of the place and at which a copy of the full decision or findings may be examined.

SECTION 1407 MEDIATION OPTION

1407.1 Mediation may be utilized as an aid designed to supplement, as opposed to replacing, any proceedings before and under the jurisdiction of the Zoning Hearing Board. In no case, however, shall the Board or any member of the Board, initiate the use of mediation. No member of the Board shall be allowed to participate as a mediating party or be present during any sessions of mediation. Nothing within this Section shall be interpreted as expanding or limiting municipal police powers or modifying any principles of substantive law.

1407.2 Mediation shall be voluntary among all subject parties with the appropriateness of mediation determined by the particular issues of each case and the willingness among all the subject parties to negotiate, in order to supplement proceedings before the Zoning Hearing Board, the following information shall be submitted to the Board in written form and signed by all parties to the mediation, the selected mediator and the Zoning Hearing Board.

A. Method and commitment of funding of mediation.

B. The mediator shall be an attorney and/or an individual who is certified by the American Arbitration Association, who shall possess a working knowledge of municipal zoning and subdivision practices and procedures.

C. A schedule which shall clearly prescribe the time limitations for both the start and completion of mediation. The completion date shall be adhered to even if the negotiations fail to result in a mediated agreement by said date.

D. Suspension of the appropriate time limitations which apply to the Zoning Hearing Board in convening a hearing and/or rendering a decision, once a hearing is convened, subject to executing a document of expressed written consent by the mediating parties and by the Zoning Hearing Board.

E. Identification of all subject parties and affording them the opportunity to participate.

F. A determination of whether some or all of the mediation sessions shall be opened or closed to the public, subject to governing legal constraints.

G. An agreement among the mediating parties, that any mediated solution be in written form and subject to review and approval by the Zoning Hearing Board.

H. Any mediation which concludes within the prescribed time limits under Item C of this Section, which does resolve in whole or in part, The issues subject to mediation, shall then proceed under the hearing process before the Zoning Hearing Board.

I. No offer or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1408 JURISDICTION OF ZONING HEARING BOARD

The Zoning Hearing Board, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall have exclusive jurisdiction to hear and render final adjudication in the following matters.

A. Substantive challenges to the validity of any land use ordinance, except for those brought before the Township Board of Supervisors under Section 1403.1 of this Ordinance.

B. Challenges to the validity of any land use ordinance, based upon procedural questions or alleged defects in the process of enactment or adoption. Challenges based upon procedural questions or alleged defects shall be raised by an appeal to the Board within thirty (30) days after the effective date of the Ordinance subject to the appeal.

C. Appeals from the determination of the zoning officer, including but not limited to, the application and/or interpretation of regulations, granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, the revocation of a zoning permitted/or building permit or the registration or refusal to register any nonconforming use, structure or lot.

D. Applications for variances, pursuant to section 1409 of this Ordinance.

E. Application for special exceptions pursuant to Section 1410 of this Ordinance.

SECTION 1409 VARIANCES

1409.1 INITIAL DETERMINATION BY ZONING OFFICER

An application for a variance shall not be submitted to or considered by the Zoning Hearing Board Until the following procedure has been completed:

1. The applicant submits an application for a Zoning Permit to the Zoning Officer in accordance with section 1302 of this Ordinance.

2. The Zoning Officer after reviewing the subject application renders a determination that the proposed development and/or use of property fails to comply with an applicable provisions and/or regulations of this Ordinance.

3. The Zoning Officer specifies the applicable Sections of this Ordinance relative to the applicant's need to secure a variance (s) from the Zoning Hearing Board.

1409.2 PROVISIONS FOR GRANTING VARIANCES

The Zoning Hearing Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity,

narrowness or shallowness of lot size or shape, exceptional topography or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which property is located.

2. That because of such physical circumstances or conditions, there is no possibility the the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1410 SPECIAL EXCEPTIONS

An application for a special exception use shall not be submitted to or considered by the Zoning Hearing Board until the following procedure has been completed:

1. The applicant submits an application for a zoning permit to the Zoning Officer in accordance with Section 1302 of this Ordinance and a Site Plan in accordance with Section 603 of this Ordinance.

2. The Zoning Officer shall initially review the Site Plan to determine its compliance with Section 603 of this Ordinance.

3. The Zoning Officer shall also render a determination regarding whether the proposed development and/or use is required to secure any variances from the Zoning Hearing Board, in addition to securing a special exception approval.

1410.2 PROVISIONS FOR GRANTING A SPECIAL EXCEPTION APPROVAL

The Zoning Hearing Board shall hear and decide requests for uses and/or development which are permitted as special exception uses. The Board shall grant approval only upon the determination that the proposed use and/or development conforms with all applicable standards and provisions within this Ordinance and the following expressed standards and criteria:

1. Public services and facilities such as streets, sewers, water, police and fire protection, if needed, shall be adequate for the proposed use and/or development.

2. Existing and future streets and access to the site if needed, shall be adequate for emergency services, for avoiding undue congestion and for providing for the safety and convenience of pedestrian and vehicular traffic.

3. The relationship of the proposed use and/or development to other uses and activities existing or planned in the vicinity shall be generally harmonious in terms of the location and site relative to the proposed operation and permanently impaired.

4. The relationship of the proposed use and/or development to other activities existing or planned in the vicinity shall be generally harmonious in terms of the character and height of buildings, walls and fences so that the use, development and value of adjacent property is not substantially and permanently impaired.

5. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration or lights that would be the operations of any permitted us in the district.

6. The proposed use and/or development will not be injurious to the public interest.

In granting approval, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1411 PARTIES APPELLANT BEFORE THE BOARD

Appeal and/or applications for hearings before the Zoning Hearing Board pursuant to those matters contained within Section 1409 of this Ordinance, may be filed with the Board in writing by the affected landowner or by any aggrieved person or party. The Board shall not accept appeals or applications for hearings from any tenant or equitable owner of a property without the express written consent of the landowner. In such cases, the landowner's signature shall be required upon all applicable forms, applications or documents which are to be submitted to the Board.

SECTION 1412 TIME LIMITATIONS

1412.1 No person shall be allowed to file any proceedings with the Zoning Hearing Board later than thirty (30) days after an application for a Zoning Permit and/or a Certificate of Occupancy has been approved by the Zoning Officer, his designee, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless

Said person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to the applicant's interest after such approval, he or she shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to file such proceeding or an appeal from an adverse decision on a tentative plan for a Planned Residential Development, pursuant to §709 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, or from an adverse determination by a Zoning Officer on a challenge to the validity of an Ordinance or Map based upon substantive grounds, pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, within the said thirty (30) day period shall preclude an appeal from any final approval except in the case where the final submission substantially deviates from the approved tentative approval.

1412.2 Any landowner wishing to appeal a decision of the Zoning Hearing Board shall be required to file such appeal to a court of competent jurisdiction within thirty (30) days after the notice of the Board's determination is issued. Failure To do so within the prescribed thirty day time period shall preclude any further appeal of the Board's decision.

SECTION 1413 STAY OF PROCEEDINGS

1413.1 Upon filing of any proceeding referred to in Section 1408 of this Ordinance, and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril or damage to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When the application for development has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Board.

1413.2 After the petition is presented, the court shall hold a hearing to determine if the petition to post the bond should be granted. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the petition therefore should be granted. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

1413.3 The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

1413.4 If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

ARTICLE 15

APPEALS

SECTION 1501 APPEALS TO COURT

The procedures set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall constitute the exclusive mode for securing judicial review of any decision rendered or deemed to have been made under this Ordinance.

- **Section 1001-A. Land Use Appeals.** The procedures set forth in this article shall constitute the exclusive mode for securing review of any decision rendered pursuant to Article EX or deemed to have been made under this act.
- **Section 1002-A. Jurisdiction and Venue on Appeal; Time for Appeal** . All appeals from all land use decisions rendered pursuant to Article DC shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after the entry of the decision as provided in 42 Pa.C.S. 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in section 909(9) of this act.

ARTICLE 16 AIRPORT
HAZARD ZONING AND REGULATIONS

ADOPTED
July 13,2009

EFFECTIVE DATE
July 13,2009

Airport Overlay Map Included

ARTICLE 16 AIRPORT HAZARD ZONING AND REGULATIONS

SECTION 1601: SHORT TITLE AND DESCRIPTION

1601.1 This Ordinance shall be known and may be cited as the Hazle Township Airport Hazard Zoning and Regulation Ordinance.

1601.2 PURPOSE- The purpose of this Ordinance is to establish an Overlay District which will prevent the creation or establishment of hazards to air navigation, establish a procedure to regulate the elimination, removal, alternation or mitigation of hazards to air navigation, and provide for the marking and lighting of obstructions subject to reasonable conditions that will protect the public health, safety and welfare.

1601.3 AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT TO WHICH STRUCTURES MAY BE ERECTED OR OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE HAZLETON MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE HAZLE TOWNSHIP FAR PART 77 ULTIMATE AIRSPACE MAP WHICH IS INCORPORATED IN AND MADE PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; AND IMPOSING PENALTIES.

1601.4 Location - The specific location of the Overlay District can be found on the Hazle Township FAR PART 77 ultimate airspace map available at the Township Municipal Building. Any dispute over actual location of the Overlay District is to be handled by a determination of the Hazle Township Zoning Officer.

SECTION 1602: DECLARATION OF POLICY

This Ordinance is adopted pursuant to the authority conferred by 1984 Pa. Laws 164, codified at 74 Pa. Cons. Stat. §§5101 et.sea.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Hazleton Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Hazleton Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to impair the utility of the Hazleton Municipal Airport. Accordingly, it is declared:

1602.1 that the creation or establishment of an obstruction has the potential of being a public nuisance and a *hazard* to air navigation in the area served by the Hazleton Municipal Airport.

1602.2 that it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of an obstruction(s) be properly approved and permitted; and

1602.3 that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation as empowered by

the municipality; and

1602.4 that it is necessary in the best interest of the municipality, all changes, improvements, leases, or modifications within land owned or operated for use of the Hazleton Municipal Airport and within the zoning district location as established by Section 1.4, obtain the necessary municipal and FAA permits.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alternation or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.
IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF HAZLE TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, as follows:

SECTION 1603: GENERAL DEFINITIONS

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ORDINANCE SHALL HAVE THE MEANING GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

1603.1 **Aircraft** - Any contrivance, except an unpowered hangglider or parachute, used for manned ascent into or flight through the air.[2]

1603.2 **Airport-** Hazleton Municipal Airport. Defined as: Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.[3] As used herein, the term "Airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

1603.3 **Airport Elevation** - 1595.3. Defined as: The highest point of an airport's useable landing area measured in feet above sea level.

1603.4 **Airport Hazard** - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport *Hazard*" in 74 Pa. Cons. Stat. §5102.

1603.5 **Airport Hazard Area** - Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

1603.6 **Approach Surface** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in Section 4 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

1603.7 **Approach, Transitional, Horizontal, And Conical Surface Zones** - These zones are set forth in Section 4 of this Ordinance.

1603.8 **Board Of Appeals Or Adjustment** - Zoning Hearing Board appointed by the authority adopting these regulations.

1603.9 **Conical Surface** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

1603.10 **Department-** Pennsylvania Department of Transportation.

1603.11 FAA - Federal Aviation Administration of the United States Department of Transportation.

1603.12 **Height** - For the purpose of determining the height limits In all zones set forth in this Ordinance and shown on the Hazle Township FAR PART 77 ultimate airspace map, the datum shall be mean sea level elevation unless otherwise specified.

1603.13 **Horizonital Surface** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

1603.14 **Larger Than Utility** Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater then 12,500 pounds maximum gross weight and jet powered aircraft.

1603.15 **Nonconforming Use** - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

1603.16 **Non-Precision Instrument Runway** - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

1603.17 **Obstruction** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Ordinance.

1603.18 Permit-A permit granted by the Hazle Township Board of Supervisors upon review and approval of the Hazle Township Planning Department in accordance with the applicable standards of the Hazle Township Subdivision and Land Development Ordinance. Permit may also require other third party approval including, but not limited to FAA and zoning,

1603.19 Person-An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

1603.20 **Precision Instrument Runway** - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precisions Approach Radar (PAR). It also means a runaway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

1603.21 **Primary Surface** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end

of that runway. The width of the primary surface is set forth in Section 4 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

1603.22 **Private Airport** - An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. Cons. Stat. §5102.

1603.23 **Public Airport** - An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. Cons. Stat. §5102.

1603.24 **Runway** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

1603.25 **Structure** - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

1603.26 **Transitonal Surfaces** - These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

1603.27 **Tree** - Any object of natural growth.

1603.28 **Utility Runway** - A runway that is constructed for an intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

1603.29 **Visual Runway** - A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 1604: AIRPORT SURFACE ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Hazleton Municipal Airport. Such zones are shown on the Hazleton Municipal Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring, 1989, which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

1604.1 Utility Runway Visual Approach Surface Zone - Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

1604.2 Utility Runway Non-precision Instrument Approach Surface Zone - Established beneath

the non-precision instrument approach surface. The Inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the runway.

1604.3 Runway Larger Than Utility Visual Approach Surface Zone - Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and Is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

1604.4 Runway Larger Than Utility with a Visibility Minimum Greater than ¾ mile Non-precision Instrument Approach Surface Zone - Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline Is the continuation of the centerline of the runway.

1604.5 Runway Larger Than Utility with a Visibility Minimum as Low as ¾ mile Non-precision Instrument Approach Surface Zone - Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

1604.6 Precision Instrument Runway Approach Surface Zone - Established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide.[5] The zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

1604.7 Transitional Surface Zones - Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.

1604.8 Horizontal Surface Zone - Established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

1604.9 Conical Surface Zone - Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward there from a horizontal distance of 4,000 feet.

SECTION 1605: AIRPORT SURFACE ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no new structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1605.1 Utility Runway Visual Approach Surface Zone - Slopes twenty (20) feet outward for each

foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

1605.2 Utility Runway Non-precision Instrument Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

1605.3 Runway Larger Than Utility Visual Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

1605.4 Runway Larger Than Utility With a Visibility Minimum Greater Than ¾ Mile Non-precision Instrument Approach Surface Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

1605.5 Runway Larger Than Utility With a Visibility Minimum as Low as ¾ Mile Non-precision Instrument Approach Surface Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

1605.6 Precision Instrument Runway Approach Surface Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

1605.7 Transitional Surface Zones - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1595.3 feet above mean sea level. In addition to the foregoing when an airport has a precision instrument runway approach zone, there are established height limits sloping seven (7) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

1605.8 Horizontal Surface Zone - Established at 150 feet level above the established airport elevation or at a height of 1745.3 feet above mean sea level.

1605.9 Conical Surface Zone - Slopes twenty (20) feet outward for each upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a height up to 1943.3 feet above mean sea level.

1605.10 Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to

75 feet above the surface of the land. **SECTION**

1606: AIRPORT ZONING REQUIREMENTS

1606.1 Reasonableness - All airport zoning regulations adopted under this subchapter shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this subchapter. In determining what regulations it may adopt and enforce, Hazle Township and its Zoning Board shall consider, among other factors, the character of the flying operations expected to be conducted under conditions present on the effective date of this Ordinance, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property is zoned.[6]

1606.2 Use Restrictions - Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and the aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport, as determined by FAA.

1606.3 Nonconforming Uses:

a) Regulations Not Retroactive - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 7 (relating to permits and variances).[7] Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alternation of which was begun prior to the effective date of this Ordinance, and is diligently executed.

b) Permit Marking and Lighting - Notwithstanding the preceding provision of this Section, the Hazleton Municipal Airport shall identify any existing nonconforming structure or tree as of the effective date of this ordinance and is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Township and/or FAA to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Hazleton Municipal Airport or property owner.

1606.4 Existing Use: The Hazleton Municipal Airport operation and approaches shall be approved by the FAA on the effective date of this ordinance subject to all existing non-conforming uses as per Section 6.3. Protection of air space after the effective date of this ordinance shall not negatively affect utilization of airport.

SECTION 1607: PERMITS AND VARIANCES

1607.1 Future Uses[5] - Except as specifically provided in a, b, or c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall

indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with this Section 1607, Subsection 1607.4.

a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than the maximum height as defined by the Hazle Township Zoning Ordinance, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the limits prescribed for such zones.

b) In the areas lying within the limits of the approach zones, but at a horizontal distance of not less then 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than the maximum height as defined by the Hazle Township Zoning Ordinance, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.

c) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than the maximum height as defined by the Hazle Township Zoning Ordinance, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exception shall be construed as permitting or intending to permit any construction, or alternation of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

1607.2 Existing Uses - Before any nonconforming structure may be replaced, substantially altered, rebuilt, tree allowed to grow higher, replanted or tree and/or other obstruction removed, cut, or changed, a permit must be secured authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

1607.3 Nonconforming Uses Abandoned or Destroyed - Whenever the Hazle Township Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Ordinance.

1607.4 Variance - Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply to the Zoning Hearing Board for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of Section 8 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest

but would do substantial justice and would be in accordance with the spirit of the regulations and this Ordinance. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this Ordinance.[9] The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of the Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

1607.5 Hazard Marking and Lighting[10] - In granting any permit or variance under this section, the Board shall, if it deems action advisable to effectuate the purpose of this Ordinance and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

SECTION 1608: ENFORCEMENT/NOTICE

1608.1 Local Enforcement - It shall be the duty of the Hazle Township Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Hazle Township Zoning Officer upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Hazle Township Zoning Officer shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Hazle Township Zoning Officer.

1608.2 Notice to Department - Notwithstanding any other provisions of law, if the municipality decides to grant a permit or variance under this Ordinance, the applicant shall notify the Department of Transportation of its decision. This certified notice shall be in writing and shall be sent so as to reach the department at least ten (10) days before the date upon which the zoning decision is to be effective.[11]

SECTION 1609: ZONING HEARING BOARD

1609.1 Powers - The Hazle Township Zoning Hearing Board shall have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Hazle Township Zoning Officer in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Zoning Hearing Board under such regulations may be require to pass; and (3) to hear and decide specific variances.

1609.2 Creation/Members/Removal - N/A

1609.3 Governing Rules - The Zoning Hearing Board has rules for its governance and are in harmony with the provisions of this Ordinance. Meetings of the Zoning Hearing Board shall be held at the call of the Chairperson and at such other times as the Zoning Hearing Board may determine. For conduct of any hearing or taking of any action, a quorum shall not be less than a majority of all members. The Chairperson or, in the absence of the

Chairperson, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Zoning Hearing Board shall be public. The Zoning Hearing Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Hazle Township Zoning Officer and due cause shown.

1609.4 Findings of Fact/Conclusions of Law - The Zoning Hearing Board shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.

1609.5 Voting - The concurring vote of a majority of the members of the Zoning Hearing Board shall be sufficient to reverse any order, requirement, decision, or determination of the Hazle Township Zoning Officer or decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect variation to this Ordinance.

SECTION 1610: JOINT AIRPORT ZONING BOARD

1610.1 Joint Airport Zoning Board - N/A

SECTION 1611: APPEALS

1611.1 Right of Appeal - Any person aggrieved or taxpayer affected by any decision of the municipality may appeal to the Zoning Hearing Board as provided by law.[15]

1611.2 Reasonable Time Requirement - All appeals hereunder must be taken within a reasonable time as provided by the rules of the Zoning Hearing Board. The Board shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

1611.3 Stay of Proceedings - An appeal shall stay all proceedings in furtherance of the action appealed from unless the Township or Zoning Hearing Board certifies, after the notice of appeal has been filed with it, that, by reason of the facts stated in the certificate, a stay would in its opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order of the Zoning Board or notice to the municipality.[16]

1611.4 Power to Reverse, Affirm or Modify Orders - The Zoning Hearing Board may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determining appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

SECTION 1612: ACQUISITION OF AIR RIGHTS

In any case in which the Hazleton Municipal Airport or other land owner desires to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional or other limitations, be provided by this airport zoning regulation, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than airport zoning regulations, the municipality or authority owning the

airport, may acquire by purchase, grant or In other manner provided by the law under which they are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest In the property or nonconforming structure or use In question as may be necessary to effectuate the purpose of this Ordinance. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition thereof by the power of eminent domain, the entity making the purchase of exercising the power shall, in addition to the damages for the taking injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which Is required to be moved to a new location.[17] All acquisition of air rights shall be approved by the Hazle Township Zoning Hearing Board, Followed by the review of the Hazle Township Planning Department, and approved by the Hazle Township Supervisors.

SECTION 1613: RELATION TO OTHER ZONING REGULATIONS[18]

1613.1 Incorporatlon - In the event that the Township has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of the comprehensive zoning regulations and be administered and enforced in connection therewith.

1613.2 Conflicts - In the event of conflict between any airport zoning regulations adopted under this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or other matter, and whether the other regulations were adopted by the Township which adopted the airport zoning regulations or some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail.

SECTION 1614: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Hearing Board, may appeal to the Court of Common Pleas as provided by law. In cases where applicable law does not provide an appeal from a municipality to a Board, a person or tax payer may appeal from a decision of a municipality or joint airport zoning board, as provided by law for similar zoning proceedings.[19]

SECTION 1615: SEVERABILITY

If any of the provisions of this Ordinance or the application therefore to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions of this Ordinance are declared to be severable.

SECTION 1616: INTERPRETATION OF LANGUAGE AND CAPTIONS

1616.1 Use of Language - Words of any gender used in the Ordinance shall be held and construed to include any other gender, and words in the singular shall be used to include the plural, unless the context otherwise requires.

1616.2 Use of Captions - The captions or headings of sections in this Ordinance are inserted for convenience only, and shall not be considered in construing the provisions herein if any question of intent should arise.

SECTION 1617: PENALTIES

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.[20]

SECTION 1618: ADOPTION AND AMENDMENT OF ORDINANCE

1618.1 Notice and Hearing - No airport zoning regulations shall be adopted, amended or changed except by action of the Township or the Zoning Hearing Board after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. The notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality or municipalities affected. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 14 days from the date of the hearing.[21]

1618.2 Effective Date - WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Township and publication and posting as required by Section 18, Item 1.

THESE REGULATIONS SHALL BECOME EFFECTIVE ON THE _____ DAY OF 20

ORDAINED AND ENACTED THIS:_____ DAY OF _____, 20

HAZLE TOWNSHIP SUPERVISORS

BY:

CHAIRMAN

ATTEST: _____
SECRETARY

FOOTNOTES

1. The preparation of these regulations was guided by a model zoning ordinance to limit height of objects around airports; published by the Federal Aviation Administration (FAA) of the U.S. Department of Transportation, Advisory Circular No. 150/5190-4 (August, 1977), and 1984 Pa. Laws 164, codified at 74 Pa. Cons. Stat. §§5101 et.Sea. Format of the ordinance was developed by the Southwestern Pennsylvania Regional Planning Commission.

2. 71 Pa. Cons. Stat §5102

3. Id.

4. The definition of "Structure" under 74 Pa. Cons. Stat §5102 does not Include mobile objects such as cranes or immobile objects such as earth formations. However, 74 Pa. Cons. Stat §5913(b) provides that, if adopted, a "more stringent limitation or requirement shall prevail". See also Section 8, Item 2 of this Ordinance.

5. Appropriate runway type and dimension for the width of the primary surface is set forth in Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace Dimensional Standards Table, Page 19, January, 1975.

6. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5915(a)].

7. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5915(b)].

8. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5916(a)].

9. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5916(b)].

10. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5916(c)].

11. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5916(c)].

12. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5917(c)].

13. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5912(a)].

14. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5912(b)].

15. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5917(a)].

16. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5917(b)].

17. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5920].

18. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5913(a) and (b)].

19. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5918].

20. 1984 Pa. Laws 164, Chapter 59, Subchapter B [74 Pa. Cons. Stat. §5914(a)].

21. As set forth in Section 617 of the Pennsylvania Municipalities Planning Code (Act 170).

HAZLE TOWNSHIP

SOLAR ENERGY SYSTEM ORDINANCE

HAZLE TOWNSHIP, LUZERNE COUNTY, PA

DRAFTED: August 2009
REVISED: September 2009
REVISED: November 2009
ADVERTISED: January?, 2010 &
February 1, 2010 ADOPTED:
February 8,2010

PREPARED BY:

SCHUMACHER ENGINEERING, INC.
55 North Conahan Drive
Hazleton, PA 18201

Phone: (570)455-9407
Fax: (570)455-1060

Email: SEI@seiengr.com **SEI**

PROJECT NO. S-161

ARTICLE 17 SOLAR ENERGY SYSTEM ORDINANCE

ADOPTED
February 2010

EFFECTIVE DATE
February 2010

ARTICLE 17 SOLAR ENERGY SYSTEM ORDINANCE

SECTION 1701: TITLE

This Ordinance shall be known as the Solar Energy System Ordinance for Hazle Township, Luzerne County, Pennsylvania.

SECTION 1702: INTENT AND SCOPE OF REGULATIONS

The intent of the regulations in this Ordinance is to establish guidelines for Solar Energy Systems. The goals are as follows:

A. To promote the safe, effective, and efficient use of solar energy in order to reduce the consumptions of fossil fuels in producing electricity.

B. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a Solar Energy System.

C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a Solar Energy System shall be governed.

SECTION 1703: DEFINITIONS

Solar Energy System shall have the same meaning as solar energy facility. Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

A. **Active Solar Energy** (Photovoltaic or Thermal) captures the sun's energy in order to store or convert it to thermal or electric power. In active solar energy systems, there is an active and intentional collection and redirection of energy that requires external mechanical power. Photovoltaic Solar Energy is used to transform the sun's energy to generate electricity for both grid-tied and off-grid systems. Thermal Solar Energy is used to generate heat for hot water, cooking, heating, melting, steam engines, etc.

B. **Active System** is a solar heating or cooling system that requires external mechanical power.

C. **Applicant** is the person or entity filing an application under this Ordinance.

D. **Associated Facility or Associated Facilities** means a land use whose principle purpose involves the distribution, processing, storage, handling, or other related and supporting activities necessary for a Special Utility, not including administrative activities or offices.

E. **Collector** is a device that collects solar radiation and converts it into heat.

F. **Concentrating Solar** uses mirrors to either focus sunlight on a photovoltaic (PV) array or to heat water or other fluids to create steam that drives turbine generators. Concentrating solar is more complicated to build and manage, involves moving parts, and is more often used in larger-scale, centralized systems at commercial energy plants that tend to serve upwards of tens of thousands of homes and businesses.

G. Decommissioning is the process of terminating operation and completely removing related buildings, structures, foundations, access roads, and equipment.

H. Facility Owner means the entity or entitles having an equity interest in the Solar Energy System, Including their respective successors and assigns.

I. Grid-Tied Solar System is one in which solar power is connected to the power grid.

J. Hybrid Solar Energy System is a system that uses both active and passive methods In its operation.

K. Leased Unit is a building or a portion of a building or lot or a portion of a lot which is leased or rented within a subdivision or land development.

L. Major Energy System means a system that is not a minor energy system such as, but not limited to a Solar Farm.

M. Minor Energy System means a system for the production of electrical energy that (a) uses as its fuel solar power (b) is located on the power beneficiary's premises (c) is intended primarily to offset part or all of the beneficiary's requirements for electricity and (d) is secondary to the beneficiary's use of the premises for other lawful purpose(s).

N. Net Metering is an electricity policy for consumers who own renewable energy facilities, such as solar power, for selling electricity back to the grid.

O. Nonconcentrating Solar does not involve the use of mirrors or other means to directly focus the sun's light.

P. Normal Maintenance and Repair includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal Repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction.

Q. Off Grid Solar System means relying totally on an individual (stand alone) system of solar panels, charge controller, batteries, and inverter to generate electricity.

R. Operator is the entity responsible for the day-to-day operation and maintenance of a Solar Energy System.

S. Owner is the individual or entity, including their respective successors and assigns that have equity interest or own the Solar Energy System in accordance with this ordinance.

T. Passive Solar Energy is used to convert sunlight into usable heat, cause air-movement for ventilation or cooling, or store heat for future use.

U. Peak Watt is the maximum rated output of a photovoltaic device, such as a solar cell or array, under standardized test conditions, usually 1000 watts per square meter (0.645 watts per square inch) of sunlight with other conditions, such as temperature specified. Typical rating conditions are 68°F (20°C), ambient air temperature, and 1 m/s (6.2 x 10-3 miles/sec.) wind speed.

V. Permit is a document issued by the Township Zoning Officer authorizing the applicant to undertake certain activities.

W. **Permit Granting Authority** Is the Zoning Hearing Board or Zoning Officer of Hazle Township.

X. **Photovoltaic Array** is a linked collection of photovoltaic modules, which are in turn made of multiple interconnected solar cells. The cells convert solar energy into direct current electricity via the photovoltaic effect. The power that one module can produce is seldom enough to meet requirements of a home or a business, so the modules are linked together to form an array.

Y. **Planning Department** is the Planning Department of Hazle Township.

Z. Public Is something owned, operated and supported by the Community, residents or other entity, governmental or private, for the use and benefit of the general public.

AA. **PV Array** is a photovoltaic array

BB. **Quasi-Public** means entities that operate like (and are sometimes organized as) private organizations and are run by a board of directors or similar arrangement whose members are appointed by government entities.

CC. Solar Access refers to a building's ability to receive the benefits of the sun's rays without obstruction from neighboring buildings, structures, plants, and trees.

DD. Solar Array is a ground mounted solar collection system consisting of a linked series of photovoltaic modules.

EE. Solar Collection System is a panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

FF. Solar Easement is an easement of direct sunlight which may be acquired over the land of another by express grant or covenant.

GG. Solar Energy means radiant energy (direct, diffuse, and reflected) received from the sun.

HH. **Solar Energy Device** (active and passive) Solar energy device means the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource.

II. Solar Energy System means any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground and is not the primary use of the property.

JJ. Solar Farm or Solar Farms means a facility or area of land principally used to convert solar radiation to electricity. The term does not include devices or combinations or devices which rely upon direct sunlight as an energy source for a minor energy system.

KK. **Solar Radiation (Solar Energy)** is electromagnetic radiation emitted by the sun.

LL. Solar Site Orientation refers to situating a building to optimize exposure to the winter sun for passive heating and lighting, while reducing this exposure to the summer sun to minimize overheating.

MM. **Solar Trees** are arrays that, as the name implies, mimic the look of trees, provide shade, and at night can function as street lights.

NN. **Solar Water Heating** refers to using the sun directly to heat water in homes and swimming pools.

OO. Special Exception Uses. It is hereby recognized that certain uses may be necessary to serve the needs and convenience of the Township, but which uses may become hostile to the public health, safety and general welfare by reason of their Inherent nature and/or operation and therefore require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be "Special Exception Uses" and may be permitted upon application to and approval by the Zoning Hearing Board provided said use is shown as a Special Exception Use in the Zoning district Schedule for the district In which the use is located.

PP. **Special Utillty or Special Utilities** means electrical transmission lines exceeding one-hundred fifteen thousand volts or electrical substations.

QQ. Township Engineer: The professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Hazle Township Supervisors.

RR. Township Solicitor: The Solicitor duly appointed by the Supervisors of Hazle Township, Luzerne County, Pennsylvania.

SS. Township Supervisors: The Township Supervisors of the Township of Hazle, Luzerne County, Pennsylvania.

TT. Utility Corridor or Utility Corridors means a lineal transportation route utilized by one or more Special Utilities.

UU. **Zoning District** is a portion of Hazle Township illustrated upon the Official Zoning Map, within which certain uniform regulations and requirements apply under the provisions of the Zoning Ordinance.

W. Zoning Hearing Board is the Zoning Hearing Board of Hazle Township, Luzerne County, Pennsylvania.

WW. **Zoning Map** is the official map which is part of the Zoning Ordinance and indicates and delineates the zoning districts of Hazle Township, Luzerne County, Pennsylvania.

XX. Zoning Officer is the administrative officer appointed by the Governing Body to administer and enforce the Zoning Ordinance of Hazle Township, Luzerne County.

YY. Zoning Permit is a permit issued indicating that a proposed use, building or structure, is to the best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

SECTION 1704: APPLICABILITY

A. This Ordinance applies to all Solar Energy Systems proposed to be Installed or constructed after the effective date of the Ordinance, and all new applications for solar energy systems on existing structures or property.

B. Solar Energy Systems constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Solar Energy System that materially alters the equipment shall require a permit under this Ordinance.

C. All applications for permits to be constructed after the effective date of this Ordinance shall comply with all current Hazle Township Ordinances and any applicable state and/or federal regulations as required.

SECTION 1705: PERMITTED USES

The following is permitted in all zoning districts in compliance with the provisions contained herein, and all applicable Solar Energy and Township regulations:

A. Minor Energy System

1. Uses as its fuel solar power
2. Is located on the power beneficiary's premises
3. Is intended primarily to offset part or all of the beneficiary's requirements for electricity
4. Is secondary to the beneficiary's use of the premises for other lawful purpose(s)
5. Is a residential use
6. Is confined only to rooftop area of buildings in commercial, industrial or mining zoning districts

SECTION 1706: SPECIAL EXCEPTIONS

The following is a special exception use in all Conservation, 1-1, I-2, and M-1 zoning districts, in compliance with the provisions contained herein, and all applicable solar energy regulations.

A. Major Energy System

1. A solar system that is not a minor energy system, such as, but not limited to a solar farm.

SECTION 1707: PERMIT REQUIREMENT AND APPLICATION

A. No Solar Energy System, or addition to an existing Solar Energy System, shall be constructed or located within Hazle Township unless a permit has been issued to the Applicant of the Solar Energy System under this Ordinance. All applications for a Major Solar Energy System, shall be considered a Major Land Development, shall meet the requirements of this Ordinance and the Hazle Township Subdivision and Land Development Ordinances (SALDO), and shall be reviewed by the Township Planning Department and approved by Supervisors.

B. The permit application or amended permit application shall be accompanied with a processing fee in the amount of $100.00 and an escrow fee as specified in Section 1723.

C. Any physical modification to an existing and permitted Solar Energy System that materially alters the equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

SECTION 1708: DESIGN, INSTALLATION, REVIEW CRITERIA, CERTIFICATION AND COMPLIANCE

A. Design Requirements

1. Solar collection systems shall not be located in the front yard between the principal structure and the public right-of-way, or private street. Corner lots shall have front yard requirement along all streets.
2. Height: Freestanding Collection systems shall not exceed twenty (20) feet in height
3. Size: Freestanding Collection systems on residential properties shall not exceed the greater of one-half (1/2 the footprint of the principal structure or six hundred (600) square feet, whichever is greater. The size of arrays for non-residential properties shall not exceed one-half (1/2) of the footprint of the principle structure except for rooftop systems.
4. Solar Collection Systems are permitted to be located on the roof or exterior wall of a structure subject to the following:
   a. Collection systems shall not extend more than twelve (12) feet above the roof line;
   b. Collection systems shall not exceed the maximum height permitted in the zoning district in which it is located; and
   c. Collection systems located on the roof or attached to a structure shall provide, as part of their permit application a structural certification.
5. Code Compliance: Solar Collection Systems shall comply with all applicable building and electrical codes.
6. Minor collection systems may be located on accessory structures subject to setback requirements of the current Township Zoning District.
7. Collection systems located on an agricultural assessed property shall be permitted to have additional collection systems for each building on the property. The size of the system shall be limited to the need of the building.

B. Installation

1. To the extent applicable, the Solar Energy System 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.
2. The design of the Solar Energy System shall conform to applicable Industry standards.
3. Major Solar Energy Systems as defined by this Section shall use public right-of-ways or established utility corridors when reasonable. While a utility corridor may be used for more than one utility or purpose, each utility or use should be negotiated with the landowner as a separate easement, right-of-way, or other agreement, or other arrangement between the landowner and any other party and all owners of interests in the property. Nothing in this paragraph is intended to conflict with the right of eminent domain.
4. The construction and installation of Solar Energy Systems may necessitate the importation of fill material which may result in the displacement of native material. The incidental generation of earthen spoils resulting from the construction and/or installment of a Solar Energy Systems and the removal of said material from the development site shall meet all local and state requirements.

C. Review Criteria

1. Minor Energy Systems that meet the requirements of this ordinance and all other applicable construction codes will be issued a permit by the Zoning Officer.

2. Major Energy Systems are declared to be special exception uses and may be permitted upon application to and approval by the zoning hearing board subject to the following review criteria. The Zoning Hearing Board:
   a. Shall determine that adequate measures have been undertaken by the proponent of the major energy system to reduce the risk of accidents caused by hazardous materials.
   b. As required by existing statutes, shall determine that the proposed Major Solar Energy System Is essential or desirable to the public convenience and/or not detrimental or injurious to the public health or safety, or to the character of the surrounding neighborhood.
   c. Shall determine that the proposed Major Solar Energy System will not be unreasonably detrimental to the economic welfare of the Township and/or that it will not create excessive public cost for public services by finding that (1) it will be adequately serviced by existing services such as highways, roads, police and fire protection, emergency response, and drainage structures, refuse disposal, water and sewers, or (2) that the applicant shall provide such services or facilities.
   d. Shall consider industry standards, available technology, and proposed design technology for solar energy in promulgating conditions of approval.
   e. No permit will be issued nor can any construction begin until the applicant has met all the requirements of the Hazle Township Subdivision and Land Development Ordinance (SALDO).

D. CERTIFICATON AND COMPLIANCE

1. The Township must be notified of a change In ownership of a Major Energy System or a change in ownership of the property on which the Major Energy System.

2. The Township reserves the right to inspect any Major Energy System in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the Major Energy System.

3. The Major Energy System Owner(s) or Operators) shall provide the Township zoning administrator with a copy of the yearly maintenance inspection.

SECTION 1709: SETBACKS, RESTRICTIONS, AND EASEMENTS

A. Minor Energy Systems

1. Shall be considered an accessory use in all zoning districts and shall be reviewed by the Zoning Officer.

2. Shall not be located in the front yard between the principal structure and the public right-of-way or private street.

3. On existing construction a system may be installed as long as it meets the requirement of this ordinance and all other applicable construction codes.

4. Upon request, the Zoning Hearing Board may grant variances of the setback or height requirements, provided that the variance will not present any undue hardships on the adjoining property.

5. The Zoning Hearing Board shall take into consideration the support or opposition of adjacent property owners in granting variances of setback or height requirements.

6. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the Clerk of the Court.

7. Shall not exceed one half of the footprint of the principal structure or 600 square feet, whichever is greater except for rooftop systems.

8. Shall conceal solar collector's structures, fixtures and piping where applicable.

B. Major Energy Systems

1. Shall be considered a "Special Exception Use" in all Conservation, 1-1,1-2, and M-1 zoning districts.

2. Must be a minimum of one thousand (1,000') feet from any zoning district boundary line other than Conservation, 1-1, I-2, and M-1 as well as any property line of existing residential, Public or Quasi-public use.

3. Shall not be located within five hundred (500') feet of a public or private road right-of-way, nor within one hundred (100') feet from all other property lines.

4. Upon request, the Zoning Hearing Board may grant a variance of the setback or height requirements, provided that the variance will not present any undue hardships on the adjoining property.

5. The Zoning Hearing Board shall take into consideration the support or opposition of adjacent property owners in granting variances of setback or height requirements.

6. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the Clerk of the Court.

7. Shall provide a fifty (50') foot planted buffer/screen along all property lines.

8. Shall conceal solar collector's supporting structures fixtures and piping where applicable.

SECTION 1710: SITE PLAN AND SAFETY REQUIREMENTS

A. Minor Energy Systems

1. Drawing to scale showing the following:
   a. Lot boundary lines and setback lines;
   b. Existing and proposed buildings, parking areas, utilities, street rights-of-way, easements;
   c. Existing adjoiners;
   d. Proposed energy system;
   e. Certification of ownership;
   f. Copy of deed;
   g. Scale and north arrow;

B. Major Energy Requirements

1. Site Plan Drawing: All applications for a Major Solar Energy System special exception permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
   a. Existing property features to include the following: property lines, physical dimensions of the property, total parcel size, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location of all structures and utilities within three hundred (300') feet of the property.
   b. Location, size, and height of all proposed Major Solar Energy Systems, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above ground structures and utilities associated with the proposed Major Solar Energy System.
   c. Additional details and information as required by the special exception requirements of the Hazle Township Zoning Ordinance or as requested by the Zoning Officer or Township Supervisors.

2. Site Plan Documentation: The following documentation shall be included with the site plan:
   a. The contact information for the Owner(s) and Operators) of the Major Solar Energy System as well as contact information for all property on which the Major Solar Energy System is located.
   b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Major Solar Energy System. A statement from the landowners) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
   c. Identification and location of the properties on which the proposed Major Solar Energy System will be located.
   d. The proposed number, representative types and height of each component of the system to be constructed; including their manufacturer and model, product specifications including total rated capacity, and a description of any ancillary facilities.
   e. Engineering data where applicable concerning construction of the Major Solar Energy System and its components, which may include, but not limited to, soil boring data.
   f. A certified registered engineer shall certify that the Major Solar Energy System meets or exceeds the manufacturer's construction and installation standards.
   g. Anticipated construction schedule.
   h. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used to conduct maintenance, if applicable.
   i. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications requirements.
   j. Proof of applicant's liability insurance.
   k. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt

from this requirement.

l. Other relevant information as required by the Hazle Township Subdivision and Land Development Ordinance to ensure compliance with the requirements of this Ordinance, m. Following the completion of construction, the applicant shall certify that all construction Is completed pursuant to the special exception permit. Applicant shall provide an as-built plan as required by the Hazle Township Subdivision and Land Development Ordinance, n. A written description of the anticipated life of the Major Solar Energy System; estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the Major Solar Energy System becomes Inoperative or non-functional, o. The applicant shall submit a decommissioning plan that will be carried out at the end of the Major Solar Energy System's useful life, and shall describe any agreement with the landowners) regarding equipment removal upon termination of the lease, p. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.

q. Signature of the Applicant,

r. In addition to the Site Plan Requirements listed previously, the Major Solar Energy System shall be subject to the following:

1) A site grading, erosion control and stormwater drainage plan shall be submitted to the Luzerne Conservation District and Pennsylvania Department of Environmental Protection. These plans shall also be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.

2) A statement indicating what hazardous materials will be used and stored on the site.

3) A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.

4) Use of Public Roads

i. The Applicant shall identify all state and local public roads to be used within the Township to transfer equipment and parts for construction, operation or maintenance of the Major Solar Energy System.

ii. The Township's engineer or a qualified third party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction if applicable. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

iii. The Township may require the applicant to bond the road(s) in compliance with state regulations.

iv. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.

v. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads to the satisfaction of the Township Solicitor.

5) Access Driveway: Each Major Energy System shall require the

construction of a private road to offer an adequate means by which the Township may readily access the site In the event of an emergency. All private roads shall be constructed to the Township's private road standards.

C. Safety Requirements - Major Energy Systems

1. If the Major Energy System is connected to a public utility system for net-metering purposes, It shall meet the requirements for interconnection and operation as set forth In the public utility's then - current service regulations applicable to solar power generation facilities, and the connection shall be Inspected by the appropriate public utility.

2. Security measures need to be in place to prevent unauthorized trespass and access. All access doors to electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).

3. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner, and disposed of in accordance with current DEP regulations.

4. Each Major Energy System shall have as a minimum one sign, not to exceed two (2) square feet in area, posted on the security fence if applicable. The sign shall contain at least the following:
   a. Warning high voltage
   b. Manufacturer's and owner/operators name
   c. Emergency contact numbers (list more than one number)

5. To the extent applicable, the Major Energy System shall comply with the Pennsylvania Uniform Construction Code 34 PA. Code §§403.1 - 403.142.

SECTION 1711: NATURAL RESOURCES AND HISTORIC SITES

Except for Minor Energy Systems, no Major Energy System shall be located less than one thousand (1,000') feet from any Important Bird Area or migration corridor, National Wetland Inventory Wetland, Historic Site or lake, dam, ponds or public water supply sources.

SECTION 1712: SOLAR ENERGY SYSTEM, AS A SECOND PRINCIPAL USE

A Solar Energy System is permitted on a property with an existing use subject to the following standards:

A. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the Solar Energy System and support structure shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirement.

B. The vehicular access to a major energy system shall, whenever feasible, be provided along the circulation driveways of the existing use.

C. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed Solar System and that vehicular access is provided to the facility.

SECTION 1713: MINIMUM LOT SIZE

The following minimum lot size requirements shall apply:

A. Minor Energy System

1. Minimum lot size as per Hazle Township Zoning Ordinance

B. Major Energy System

1. Fifty (50) acres.

SECTION 1714: PARKING

If the Solar Energy System site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift plus overflow spaces equal to 20 percent of the required spaces based on the number of employees, but not less than two.

SECTION 1715: LICENSES: OTHER REGULATIONS

The applicant shall demonstrate that the required permits and licenses from the Federal Energy Regulatory Commission, the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Commission, and other agencies have been obtained. The applicant shall also document compliance with all applicable state and federal regulations by providing to the Township copies of all required documents, studies, and responses ((e.g., National Environmental Policy Act, Pennsylvania Natural Diversity Inventory submission, Pennsylvania Historical and Museum Commission compliance, U.S. Fish and Wildlife Service, the Department of Conservation and Natural Resources and the PA Game Commission.)

SECTION 1716: LIABILITY INSURANCE

The applicant for a major Solar Energy System shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000.00 per occurrence and property damage coverage in the minimum amount of $1,000.000.00 per occurrence covering the Solar Energy System. The applicant shall provide the Township with proof of annual renewal prior to expiration.

SECTION 1717: LANDSCAPING

Existing vegetation on and around the site shall be preserved to the greatest extent possible without restricting Solar Access.

SECTION 1718: SOIL EROSION AND SEDIMENTATION CONTROL; STORMWATER MANAGEMENT

If applicable, all earth disturbance shall comply with the soil erosion and sedimentation control requirements of the Luzerne Conservation District and the Pennsylvania Department of Environmental Protection; and, no approval shall be granted under this ordinance until Applicant provides a copy of the approved soil erosion and sedimentation control plan and any required permits. A stormwater management plan and stormwater management facilities shall be provided for all major energy systems in accord with the Township's current Stormwater Management Requirements. There are no impervious area exemptions to relieve the requirement of submitting a stormwater management plan for major energy systems.

SECTION 1719: FIRE CONTROL/LOCAL EMERGENCY SERVICES

A. The applicant shall provide a project summary and fire control site plan including details about any fire suppression system proposed for any major energy system or structure. The plan shall be provided to the applicable fire company for review and comment.

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

SECTION 1720: SOLAR ACCESS

A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the Clerk of the Court.

SECTION 1721: SEVERABILITY

If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 1722: COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance, such as, but not limited to the "Airport Hazard Zoning and Regulation Ordinance."

SECTION 1723: FEES

Permit Application Processing Fee - $100.00
Escrow Fund Account (Major Energy Facility) - $2,000.00

Applicant acknowledges that the money in escrow is for reimbursement at Hazle Township's discretion for any and all engineering or legal or other expenses incurred by the Township exclusive of work performed by full-time Township staff members, in processing the application and plans. As soon as this escrow account decreases by fifty percent (50%), the Applicant will be notified by the Township and shall make payment in an amount necessary to fully fund the account within thirty (30) days of notification. Prior to the final approval of any application, the Township will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment, as indicated. Upon the recording of the Plan with the Recorded of Deeds and the payment of all Township engineering, legal and other expenses incurred by the Township, exclusive of work performed by full-time Township staff members, the Applicant may submit a written request to the Township Treasurer for a refund of the unused escrow account. Money held in escrow will not be returned until all invoices from the Township Engineer and Solicitor have been received by the Township and paid by the Applicant. The Solicitor's and Engineer's invoices are submitted to the Township every thirty (30) days.

Disputes between the applicant and the Township regarding fees shall be settled pursuant to §503(1) and §50(g) of the Pennsylvania Municipalities Planning Codes as amended.

SECTION 1724: REMEDIES

A. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under

the ordinance, or cause another to violate or fail to comply, or to take action which is contrary to the terms of the ordinance or any permit issued under the ordinance.

B. If the Zoning Officer determines that a violation of the Ordinance or the permit has occurred, the Zoning Officer shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

C. If after thirty (30) days from the date of the notice of violation the Zoning Officer determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

SECTION 1725: EFFECTIVE DATE

This Ordinance shall take effect upon the date of its enactment. This Ordinance has been enacted, ordained, adopted and approved by the Hazle Township Supervisors, on this ____ day of _____ 2010.

ATTESTED:

Secretary

Chairman

Vice Chairman

Secretary

HAZLE TOWNSHIP

WIND ENERGY FACILITY ORDINANCE

HAZLE TOWNSHIP, LUZERNE COUNTY, PA

DRAFTED: June 2009
REVISED: August 2009
ADVERTISED: January 7, 2010 & February 1, 2010
ADOPTED: February 8, 2010

PREPARED BY:

SCHUMACHER ENGINEERING, INC.
55 North Conahan Drive
Hazleton, PA 18201

Phone: (570)455-9407
Fax: (570)455-1060

Email: SEI@seiengr.com **SEI**

PROJECT NO. S-161

ARTICLE 18 WIND
ENERGY FACILITY ORDINANCE

ADOPTED
February 2010

EFFECTIVE DATE
February 2010

ARTICLE 18 WIND ENERGY FACILITY ORDINANCE

SECTION 1801: TITLE

This Ordinance shall be known as the Wind Energy Facility Ordinance for Hazle Township, Luzerne County, Pennsylvania.

SECTION 1802: INTENT AND SCOPE OF REGULATIONS

The intent of the regulations in this Ordinance is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

A. To promote the safe, effective, and efficient use of a WET in order to reduce the consumptions of fossil fuels in producing electricity.

B. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.

C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

SECTION 1803: DEFINITIONS

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

A. **Ambient Sound Level** is the amount of background noise at a given location prior to the installation of a WET(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

B. **Anemometer** is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

C. **Applicant** is the person or entity filing an application under this Ordinance.

D. **Condominium Development** is defined as a development that is created under the Condominium Act.

E. **General Common Element** is defined as an area designated for use by all owners within condominium development.

F. **Decibel** is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the db(A) weighted scale as defined by the American National Standards Institute.

G. **Decommissioning** is the process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.

H. **Facility Owner** means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

I. **Hub Height** means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

J. **Large Wind Energy Turbine (LWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate capacity that identifies the maximum kilowatts.

K. **Medium Wind Energy Turbine (MWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The Total Height does not exceed one hundred and fifty (150) feet.

L. **Nacelle** refers to the encasement which houses all of the generating components, gear box, drive tram, and other equipment.

M. **Net-Metering** is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

N. **Non-Participating** Landowner means 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.

O. **Occupied Building** is a residence, school, hospital, church, public library, business, or other building used for public gatherings that is occupied or in use when the permit application is submitted.

P. **Operator** is the entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.

Q. **Owner** is the individual or entity, including their respective successors and assigns, that have an equity interest or own the Wind Energy Turbine (WET) in accordance with this ordinance.

R. **Rotor Diameter** is the cross-sectional dimension of the circle swept by the rotating blades of a WET.

S. Shadow Flicker is the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

T. Small Structure-Mounted Wind Energy Turbine (SSMWET) converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

U. Small Tower-Mounted Wind Energy Turbine (STMWET) is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.

V. Special Exception Uses. It is hereby recognized lhat certain uses may be necessary to serve the needs and convenience of the Township, but which uses may become hostile to the public health, safety and general welfare by reason of their inherent nature and/or operation and therefore require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area. Such uses are hereby declared to be "Special Exception Uses" and may be permitted upon application to and approval by the Zoning Hearing Board provided said use is shown as a Special Exception Use in the Zoning district Schedule for the district in which the use is located.

W. Stand-Alone Wind Energy Turbine. Not more than one (1) wind energy turbine primarily for residential, agricultural or for a single commercial/industrial building used to generate electricity for a principal structure for which it is intended to be accessory.

X. Structure is any building or other structure, such as municipal watertower that is a minimum of twelve (12) feet high at its highest point of roof and is secured to frost-footings or a concrete slab.

Y. Small Structure-Mounted Wind Energy Turbine (SSMWET) converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

Z. Total Height is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind energy Turbine (WET).

AA. Tower is a freestanding monopole that supports a Wind Energy Turbine (WET).

BB. Wind Energy Facility means 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.

CC. Wind Energy Overlay District is a district(s) created by the Hazle Township Supervisors, upon receiving a recommendation from the Hazle Township Planning Department, which are specific areas within Hazle Township, best situated for development of a Large Wind Energy Turbine (LWET).

DD. Wind Energy Turbine (WET) is any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any.

EE. Wind Farm is a facility where one (1) or more wind energy turbines are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. This definition shall not include a stand-alone wind energy turbine.

FF. Zoning District is a portion of Hazle Township illustrated upon the Official Zoning Map, within which certain uniform regulations and requirements apply under the provisions of the Zoning Ordinance.

GG. Zoning Hearing Board is the Zoning Hearing Board of Hazle Township, Luzerne County, Pennsylvania.

5

HH. Zoning Map is the official map which is part of the Zoning Ordinance and indicates and delineates the zoning districts of Hazle Township, Luzerne County, Pennsylvania.

II. Zoning Officer is the administrative officer appointed by the Governing Body to administer and enforce the Zoning Ordinance of Hazle Township, Luzerne County.

SECTION 1804: APPLICABILITY

A. This Ordinance applies to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance.

B. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit under this Ordinance.

C. All applications for permits to be constructed after the effective date of this Ordinance shall comply with the current Hazle Township Subdivision and Land Development Ordinance (SALDO).

SECTION 1805: TEMPORARY USES

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

A. Anemometers

1. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FFA requirements.

2. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.

3. An anemometer shall be permitted for no more than thirteen (13) months for a SSMWET, STMWET, or MWET, and no more than three (3) years for a LWET.

SECTION 1806: PERMIT REQUIREMENT

A. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within Hazle Township unless a permit has been issued to the Facility Owner or Operator approving construction of the facility under this Ordinance. All applications for a Wind-Energy Facility shall be submitted to the Hazle Township Planning Department for review.

B. The permit application or amended permit application shall be accompanied with a processing fee in the amount of $100.00 and an escrow fee as specified in Section 1820.

C. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

D. **Location Requirement and Number.** The applicantshall demonstrate to the satisfaction of the Zoning Hearing Board, using technological evidence, that the wind energy turbines must go where proposed in order to function to industry standards, including, but not limited to the standards of the American National Standards Institute.

SECTION 1807: SPECIAL EXCEPTIONS - SSMWET and STMWET

A Small Structure-Mounted Wind Energy Turbine (SSMWET) and a Small Tower-Mounted Wind Energy Turbine (STMWET) shall be considered a special exception in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit has been issued to the Owner(s) or Operators).

All SSMWETs and STMWETs are subject to the following minimum requirements: A.

Siting and Design Requirements

1. "Upwind" turbines shall be required.

2. Visual Impact

   a. A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.

b. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

c. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

d. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.

e. The applicant may be required to provide to the Zoning Hearing Board three dimensional graphic information that accurately portrays the visual impact of the proposed individual wind energy turbines from various vantage points selected by the Board, such as, but not limited to, key roads and recreation areas. This graphic information may be provided in the form of photographs or computer-generated images with the wind turbine(s) superimposed, as may be required by the Board. The Board may also require the applicant to conduct a balloon test to confirm the visual impact.

3. Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within (30) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.

4. Noise: Noise emanating from the operation of a SSMWET(s) shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the house of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.

5. Vibration: No vibration associated with the operation of the wind turbine shall be permitted which is detectable without instruments at or beyond the property line on which a SSMWET or STMWET is located; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness.

6. Guy Wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.

7. In addition to the **Siting and Design Requirements** listed previously, the **Small Structure-Mounted Wind Energy Turbine (SSMWET)** shall also be subject to the following:

a. Height: The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

b. Setback: The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.

c. Location: The SSMWET shall not be affixed to the wall on the side of a structure facing a public or private road.

d. Quantity: No more than three (3) SSMWETs shall be installed on any parcel of property.

e. Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SMWET must be maintained between the base of each SSMWET.

8. In addition to the **Siting and Design Requirements** listed previously, the **Small Tower-Mounted Wind Energy Turbine (STMWET)** shall also be subject to the following:

a. Height: The Total Height of a STMWET shall not exceed one hundred twenty (120) feet.

b. Location: The STMWET shall only be located in a rear yard of a property that has an occupied building.

c. Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.

d. Other Setbacks: The setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.

e. Quantity: No more than one (1) STMWET shall be installed on any parcel of property.

f. Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

B. Permit Application Requirements

1. Name of property owner(s), address, tax map, parcel number, and source of title.

2. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment including but not limited to, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback of the SSMWET(s) of STMWET, property lines, physical dimensions of the property, existing building(s) and structures, setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties, adjoining property owners with deed book and page number of current owner, as well as the location and use of all structures.

3. The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

4. Documented compliance with the noise requirements set forth in this Ordinance.

5. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.

6. Proof of applicant's liability insurance.

7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

8. Other relevant information as may be reasonably requested by Hazle Township to ensure compliance with this Ordinance.

9. Signature of the Applicant.

10. In addition to the **Permit Applicant Requirements** previously listed, the **Small Structure-Mounted Wind Energy Turbine (SSMWET)** Application shall also include the following:

    a. Total proposed number of SSMWETs.

11. In addition to the **Permit Applicant Requirements** previously listed, the **Small Tower-Mounted Wind Energy Turbine (STMWET)** Application shall also include the following:

    a. A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

12. An affidavit or similar evidence of agreement between the property owner and 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.

13. Within thirty (30) days after receipt of a permit application, the Zoning Officer will determine whether the application is complete and advise the applicant accordingly.

14. Within sixty (60) days of a completeness determination, the Zoning Officer may schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

15. Within one hundred twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Zoning Hearing Board will make a decision whether to issue or deny the permit application.

16. Throughout the permit process, the Applicant shall promptly notify the Zoning Officer of any changes to the information contained in the permit application.

17. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

C. Safety Requirements

1. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

2. The SSMWET or STMWET 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 breaks shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

3. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.

4. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

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

6. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.

7. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

D. Signal Interference

1. The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems. The applicant shall mitigate any harm caused by the Wind Energy Facility.

E. Decommissioning

1. The SSMWET or STMWET Owner(s) or Operator(s) shall, complete decommissioning within ninety (90) days from the abandonment or use or upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the Zoning Officer may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of ninety (90) days. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).

2. If the SSMWET or STMWET Owner(s) or Operators) fails to complete decommissioning within the period prescribed above, the Zoning Officer may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to the Township Supervisors for the cost of decommissioning each SSMWET or STMWET.

3. In addition to the **Decommissioning Requirements** listed previously, the STMWET shall also be subject to the following:

   a. Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock is less than sixty (60) inches below grade.

   b. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

F. Noise, Communications Interference, and Vibration Complaint Officer Response Plan

The Applbant shall provide to the Zoning a plan for how complaints about noise, communications interference and vibration will be addressed by the operator of the wind turbine.

G. Public Inquiries & Complaints

1. Should an aggrieved property owner allege that the SSMWET or STMWET is not

in compliance with the noise requirements of this Ordinance, the procedure shall be as follows:

a. Noise complaint

i. Notify the Township Zoning Officer in writing regarding concerns about noise level.

ii. If the complaint is deemed sufficient by the Township Zoning Officer to warrant an investigation, the Township Zoning Officer will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.

iii. If the test indicates that the noise level is within Ordinance noise requirements, the Township Zoning Officer will use the deposit to pay for the test.

iv. If the SSMWET or STMWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.

b. 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.

SECTION 1808: SPECIAL EXCEPTIONS - MWET AND LWET

A Medium Wind Energy Turbine (MWET) shall be a special exception in conservation, B-1, B-2, BP, 1-1, I-2, and M-1 zoning districts, as well as in a Planned Residential Development (PRO) approved after the effective date of this Ordinance.

A Large Wind Energy Turbine (LWET) shall be a special exception in the Conservation, 1-1,1-2, and M-1 Zoning Districts approred after the effective date of this ordinance

In addition to the materials required for all special exemptions, the permit application shall include the following:

A SITING AND DESIGN REQUIREMENTS:

1. "Upwind turbines shall be required.

2. The design of a MWET or LWET shall conform to all applicable industry standards.

3. Visual Impact:

a. Each MWET or LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET

or LWET.

b. Each MWET or LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

c. Each MWET or LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operators).

d. The applicant shall provide to the Zoning Hearing Board three dimensional graphic information that accurately portrays the visual impact of the proposed wind farm and individual wind energy turbines from various vantage points selected by the Board, such as, but not limited to key roads and recreation areas. This graphic information may be provided in the form of photographs or computer-generated images with the wind turbines superimposed, as may be required by the Board. The Board may also require the applicant to conduit a balloon test to confirm the visual impact.

4. Vibration: No vibration associated with the operation of the wind turbine shall be permitted which is detectable without instruments at or beyond the property line on which a MWET or LWET is located; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness.

5. Shadow Flicker: The MWET or LWET owner(s) and/or operators) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET or LWET. The analysis shall identify the locations of shadowflicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadowflicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.

6. Guy Wires: Guy wires shall not be permitted as part of the MWET or LWET.

7. Electrical System: All electric controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET or LWET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

8. In addition to the **Siting and Design Requirements** listed previously, the **Medium Wind Energy Turbine (MWET)** shall also be subject to the following:

a. Location: If an MWET is located in conservation, B-1, B-2, BP, 1-1, I-2 or M-1 Zoning District that has an occupied building is shall only be located in the rear yard. The MWET shall only be located in a General Common Element with a minimum area of two and one-half (2 *Y2)* acres in a Planned Residential Development (PRD).

b. Height: The Total Height of a MWET shall not exceed one hundred and fifty (150) feet.

c. Ground Clearance: The lowest extension of any blade or other exposed moving component of a MWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty [50] feet of the base of the tower) and, in addition, at least fifteen (15) feet above outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.

d. Noise:

i. Noise emanating from the operation of a MWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a MWET(s) shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel. 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 1: First Tier.*

e. Quantity: No more than one (1) MWET shall be installed for every two and one-half (2.5) acres of land included in the parcel.

f. Setback & Separation:

i. Occupied Building Setback: The setback from all occupied buildings on the applicants parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.

ii. Property Line Setbacks: With the exception of the locations of public roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to the Total Height of the MWET as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

iii. Public Road Setbacks: Each MWET shall be set back from the nearest public road a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road.

iv. Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of the MWET, as measured fro the base of the Tower, determined from the existing

power line or telephone line.

v. Tower Separation: MWET/tower separation shall be based on industry standard and manufacturer recommendation.

9. In addition to the **Siting and Design Requirements** listed previously, the **Large Wind Energy Turbine (LWET)** shall also be subject to the following:

a. Ground Clearance: The lowest extension of any blade or other exposed moving component of an LWET shall be at least fifty (50) feet above the ground (at the highest point of the grade level within one hundred fifty (150) feet of the base of the tower).

b. Noise:

i. Noise emanating from the operation of a LWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a LWET(s) shall not exceed, at the time, the lowest ambient noise level plus 5 dBAthat is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel. 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 1: First Tier.*

c. Quantity: The number of LWETs shall be determined based on setbacks and separation and total acreage of tract.

d. Setback & Separation:

i. Occupied Building Setback: Each LWET shall be set back from the nearest Occupied Building that is located on the same parcel as the LWET a minimum of two (2) times its Total Height, or one thousand (1,000) feet, as measured from the base of the Tower, whichever is greater.

ii. Property Line Setbacks: With the exception of the locations of public roads (see below), drain rights-of-way and parcels with Occupied Buildings (see above), the internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special exception permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

iii. Wind Energy Overlay District Setbacks: Along the border of the Wind Energy Overlay District, there shall be a setback distance equal to two (2) times the Total Height as measured from the base

of the Tower.

iv. Public Road Setbacks: Each LWET shall be set back from the nearest public road a minimum distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

v. Communication and Electrical Lines: Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined from the existing power line or telephone line.

vi. Tower Separation: Turbine/tower separation shall be based on industry standards and manufacturer recommendation.

e. Use of Public Roads

i. The Applicant shall identify all state and local public roads to be used within the Township to transfer equipment and parts for construction, operation or maintenance of the Wind Energy Facility.

ii. The Township's engineer or a qualified third party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.

iii. The Township may require the applicant to bond the road(s) in compliance with state regulations.

iv. Any road damage caused by the applicantor its contractors shall be promptly repaired at the applicants expense.

v. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads to the satisfaction of the Township Solicitor.

f. Access Driveway: Each LWET shall require the construction of a private road to offer an adequate means by which the Township may readily access the site in the event of an emergency. All private roads shall be constructed to the Township's private road standards.

B. SAFETY REQUIREMENTS:

1. If the MWET or LWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then - current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

2. The MWET or LWET 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.

3. Security measures need to be in place to prevent unauthorized trespass and access. Each MWET or LWET shall not be climbable up to fifteen (15) feet above

ground surfaces. All access doors to MWETs or LWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).

4. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner, and disposed of in accordance with current DEP regulations.

5. Each MWET or LWET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following

   a. Warning high voltage
   b. Manufacturer's and owner/operators name
   c. Emergency contact numbers (list more than one number)

6. The structural integrity of the MWET or LWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety the International Electrical Commission, specifically IEC-61400-1, "Wind Turbine Safety and Design, "IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

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

C. SIGNAL INTERFERENCE:

The MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems. The applicant shall mitigate any harm caused by the wind energy facility.

D. DECOMMISSIONING:

1. The MWET or LWET Owner(s) or Operators) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or the assigns of the MWET or LWET, and for a good cause, the zoning officer may grant a reasonable extension of time. Each MWET or LWET will presume to be at the end of its useful life of no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

2. Decommissioning shall include the removal of each MWET or LWET, buildings, electrical components, and roads to a depth of sixty 960) inches, as well as any other associated facilities. Anyfoundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.

3. All access roads to the MWET or LWET shall be removed, cleared, and graded by the MWET or LWET Owner(s), unless the property owner(s) requests, in writing, a

desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Supervisors.

4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion.

5. In addition to the **Decommissioning Requirements** listed previously, the **MWET** shall also be subject to the following:

   a. If the MWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the zoning officer may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the Township for the cost of decommissioning each MWET.

6. In addition to the **Decommissioning Requirements** previously listed, the LWET shall also be subject to the following:

   a. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommission Costs"). When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Township Zoning Officer after the first year of operation and every fifth year thereafter.

   b. The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the Township.

   c. Decommission Funds shall be in the form of a performance bond made out to Hazle Township.

   d. A condition of the bond shall be notification by the bond company to the Township Supervisors when the bond is about to expire or be terminated.

   e. Failure to keep the bond in effect while an LWET is in place will be a violation of the special exception permit. If a lapse in the bond occurs, Hazle Township may take action up to and including requiring ceasing operation of the WET until the bond is reposted.

f. The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

g. If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

E. SITE PLAN REQUIREMENTS:

1. Site Plan Drawing: All applications for an MWET or LWET special exception permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:

   a. Existing property features to include the following: property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, right-of-ways, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.

   b. Location and height of all proposed MWETs or LWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above ground structures and utilities associated with the proposed MWET or LWET.

   c. Additional details and information as required by the special exception requirements of the Zoning Ordinance or as requested by the Planning Department.

2. Site Plan Documentation: The following documentation shall be included with the site plan:

   a. The contact information for the Owner(s) and Operator(s) of the MWET or LWET as well as contact information for all property on which the MWET or LWET is located.

   b. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET or LWET. A statement from the landowners) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, If approved.

c. Identification and location of the properties on which the proposed MWET or LWET will be located.

d. In the case of a Planned Residential Development, a copy of the Development's Master Deed and Bylaws addressing the legal arrangement for the MWET or LWET.

e. The proposed number, representative types and height of each MWET or LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of the ancillary facilities.

f. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET tower separation.

g. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.

h. Engineering data concerning construction of the MWET or LWET and its base or foundation, which may include, but not be limited to, soil boring data.

i. A certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.

j. Anticipated construction schedule.

k. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET or LWET to conduct maintenance, if applicable.

l. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Hazle Township Airport Hazard Zoning and Regulation Ordinance, and any applicable overlay zone regulations.

m. Proof of applicant's liability insurance.

n. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

o. Other relevant information as required by the Hazle Township Subdivision and Land Development Ordinance to ensure compliance with the requirements of this Ordinance.

p. Following the completion of construction, the applicant shall certify that all

construction is completed pursuant to the special exception permit. Applicant shall provide an as-built plan as required by the Hazle Township Subdivision and Land Development Ordinance.

q. A written description of the anticipated life of each MWET or LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) or LWET(s) become inoperative or non-functional.

r. The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's or LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.

s. The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.

t. Signature of the Applicant.

u. In addition to the **Site Plan Requirements** listed previously, the LWET shall be subject to the following:

i. A site grading, erosion control and stormwater drainage plan shall be submitted to the Luzerne Conservation District and Pennsylvania Department of Environmental Protection. These plans shall also be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.

ii. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the LWET.

iii. A statement indicating what hazardous materials will be used and stored on the site.

iv. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds and/or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.

F. CERTIFICATION & COMPLIANCE:

1. The Township must be notified of a change in ownership of a MWET or LWET or a change in ownership of the property on which the MWET or LWET is located.

2. The Township reserves the right to inspect any MWET, and all LWET's, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.

3. In addition to the **Certification & Compliance** requirements listed previously, the LWET shall also be subject to the following:

   a. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any LWET's to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the LWET becomes operational. Sound shall be measured by a third-party, qualified professional.

   b. The LWET Owner(s) or Operator(s) shall provide the Township zoning administrator with a copy of the yearly maintenance inspection.

G. PUBLIC INQUIRES & COMPLAINTS:

1. Should an aggrieved property owner allege that the MWET or LWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:
   a. Noise Complaint

      i. Notify the Township Zoning Officer in writing regarding concerns about noise level.
      ii. If the compliant is deemed sufficient by the Township Zoning Officer to warrant an investigation, the Township Zoning Officer will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
      iii. If the test indicates that the noise level is within Ordinance noise requirements, the Township Zoning Officer will use the deposit to pay for the test.
      iv. If the MWET or LWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.

   b. Shadow Flicker Complaint

      i. Notify the Township Zoning Officer in writing regarding concerns about the amount of shadow flicker
      ii. If the compliant is deemed sufficient by the Township Zoning Officer to warrant an investigation, the Township Zoning Officer will request the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.
      iii. If the MWET or LWET Owner(s) is in violation of the Ordinance shadowflicker requirements, the Owner(s) take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.

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

SECTION 1809: NATURAL RESOURCES AND HISTORIC SITES

Except for Stand-Alone Wind Turbines, no wind turbines shall be located less than one thousand (1,000) feet from any Important Bird Area or migration corridor, National Wetland Inventory Wetland, Historic Site or lake, dam, ponds or public water supply sources.

SECTION 1810: WIND ENERGY FACILITY AS A SECOND PRINCIPAL USE

A wind energy facility permitted on a property with an existing use subject to the following standards:

a. The minimum lot area, minimum setbacks and maximum height required by the Ordinance for the wind energy facility and support structure shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.

b. The vehicular access to the Wind Energy Facility shall, whenever feasible, be provided along the circulation driveways of the existing use.

c. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

SECTION 1811: MINIMUM LOT SIZE

The following minimum lot size requirement shall apply.

a. Small Surface Mounted Wind Energy Turbine - Minimum lot area required to meet setback requirements of this ordinance and requirements of Hazle Township Zoning Ordinance

b. Small Tower Mounted Wind Energy Turbine - Minimum lot area required to meet setback requirements of this ordinance and requirements of Hazle Township Zoning Ordinance

c. Medium Wind Energy Turbine - Two and one-half *(2Yz)* acres

d. Large Wind Energy Turbine - Fifteen (15) acres

SECTION 1812: PARKING

If the wind energy facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall be equal to the number of people on the largest shift plus overflow spaces equal to 20 percent of the required spaces based on the number of employees but not less than two.

SECTION 1813: LICENSES: OTHER REGULATIONS

The applicant shall demonstrate that the required permits and licenses from the Federal Energy Regulatory Commission, the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Commission, and other agencies have been obtained. The applicant shall also document compliance with all applicable state and federal regulations by providing to the Township copies of all required documents, studies, and responses (e.g., National Environmental Policy Act, Pennsylvania Natural Diversity Inventory submission, Pennsylvania Historical and Museum Commission compliance, U.S. Fish and Wildlife Service, the Department of Conservation and Natural Resources and the PA Game Commission.)

SECTION 1814: LIABILITY INSURANCE

The applicant shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000.00 per occurrence and property damage coverage in the minimum amount of $1,000,000.00 per occurrence covering the wind energy facility. The applicant shall provide the Township with proof of annual renewal prior to expiration.

SECTION 1815: LANDSCAPING

A. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

B. Landscaping installation and maintenance may be required to screen as much of the wind energy facility as possible, the fence surrounding the support structure, any other ground level features (such as a building), and , in general, buffer the wind energy facility and other structures from neighboring properties and the sight lines from prominent viewing locations.

C. The Zoning Hearing Board may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.

SECTION 1816: SOIL EROSION AND SEDIMENTATION CONTROL; STORMWATER MANAGEMENT

All earth disturbance shall comply with the soil erosion and sedimentation control requirements of the Luzerne Conservation District and the Pennsylvania Department of Environmental Protection; and, no approval shall be granted under this ordinance until Applicant provides a copy of the approved soil erosion and sedimentation control plan and any required permits. A stormwater management plan and stormwater management facilities shall be provided in accord with the Township's current Stormwater Management Requirements. There are no impervious area exemptions to relieve the requirement of submitting a stormwater management plan for wind energy facilities.

SECTION 1817: FIRE CONTROL / LOCAL EMERGENCY SERVICES

A. The applicant shall provide a project summary and fire control site plan including details about any fire suppression system proposed for any wind energy facility or structure. The plan shall be provided to the applicable fire company for review and comment.

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.

SECTION 1818: SEVERABILITY

If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 1819: COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance, such as, but not limited to the "Airport Hazard Zoning and Regulation Ordinance."

SECTION 1820: FEES

Permit Application Processing Fee - $100.00 Escrow
Fund Account (MWET or LWET) - $1,000.00

Applicant acknowledges that the money in escrow is for reimbursement at Hazle Township's discretion for any and all engineering or legal or other expenses incurred by the Township exclusive of work performed by full-time Township staff members, in processing the application and plans. As soon as this escrow account decreases by fifty percent (50%), the Applicant will be notified by the Township and shall make payment in an amount necessary to fully fund the account within thirty (30) days of notification. Prior to the final approval of any application, the Township will determine all costs incurred; and, to the extent that there has been an overpayment or an underpayment, there shall be a refund or a supplemental payment, as indicated. Upon the recording of the Plan with the Recorder of Deeds and the payment of all Township engineering, legal and other expenses incurred by the Township, exclusive of work performed by full-time Township staff members, the Applicant may submit a written request to the Township Treasurer for a refund of the unused escrow account. Money held in escrow will not be returned until all invoices from the Township Engineer and Solicitor have been received by the Township and paid by the Applicant The Solicitor's and Engineer's invoices are submitted to the Township every thirty (30) days.

Disputes between the applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code as amended.

SECTION 1821: REMEDIES

A. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance or any permit issued under the ordinance.

B. If the Zoning Officer determines that a violation of the Ordinance or the permit has

occurred, the Zoning Officer shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.

C. If after thirty (30) days from the date of the notice of violation the Zoning Officer determines, in its discretion, that the parties have not resolved the alleged violation, the Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with the Ordinance or permit.

SECTION 1822: EFFECTIVE DATE

This Ordinance shall take effect upon the date of its enactment. This Ordinance has been enacted, ordained, adopted and approved by the Hazle Township Supervisors, on this _____ day of _____ 2009.

ATTESTED:

Secretary

Chairman

Vice Chairman

Secretary

ARTICLE 19
ORDINANCE # 2009-4-13-3
THE HAZLE TOWNSHIP OUTDOOR WOOD-FIRED BOILER ORDINANCE OF 2009

SECTION 19-1 TITLE

This Ordinance shall be known as and may be cited as the HAZLE TOWNSHIP OUTDOOR WOOD-FIRED BOILER ORDINANCE OF 2009.

SECTION 19-2. APPLICABILITY

Except as provided for in Section 3 J, this ordinance applies to the installation and us of all outdoor wood-fired boilers within the Township of Hazle.

a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
b) This ordinance does not apply to apply to burning in a stove, furnace, fire place or heating device within a building used for human or animal habitation.
c) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 19-3 REGULATIONS

On or after April 13, 2009 an outdoor wood-fired boiler may be installed, used or operated in the Township of Hazle only in accordance with the following provisions:

A) Zoning Requirements for New Outdoor Wood-Fired Boilers; These are permitted for individual, non-commercial use in all districts provided they conform to all applicable Zoning District regulations.

B) Particulate Standard Requirements for New Outdoor Wood-Fired Boilers; No person shall install an outdoor wood-fired boiler that is not a Phase 2 Outdoor Wood-fired Boiler.
C) Setback Requirements for New Outdoor Wood-fired Boilers; _No person shall Install an outdoor wood-fired boiler unless it is installed a minimum of 150 feet from the nearest property line.

D) Stack Height Requirements for New Outdoor Wood-fired Boilers; .No person shall install an outdoor wood-fired boiler unless it has a permanent attached stack with a minimum stack height often feet (10') above the ground that also extends at least two feet (2') above the highest peak of any residence located less than 150 feet from any outdoor wood-fired boiler.

E) Stack Height Requirements for Existing Outdoor Wood-Fired Boilers; No person shall use or operate an outdoor wood-fired boiler that was installed before April 13, 2009 unless it has a permanent attached stack with a minimum stack height often feet (10') above the ground that also extends at least two feet (2') above the highest peak of any residence located less than 500 feet from the outdoor wood-fired boiler. However, if the outdoor wood-fired boiler is a Phase 2 boiler; 2. D); will apply.

F) Fuel Requirements for New and Existing Outdoor Wood-fired Boilers; No person that operates a new or used outdoor wood-fired boiler shall use a fuel other than the following:

- Clean Wood
- Wood Pellets
- Home heating oil, natural gas, propane or that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.

G) Prohibited Fuels for New or Existing Outdoor Wood-fired Boilers; No person shall burn any of the following items in an outdoor wood-fired boiler:

- Any material not listed in the fuel Requirements section of this ordinance.
- Treated or painted wood
- Furniture
- Garbage
- Tires
- Lawn Clippings or Yard Waste
- Material containing plastic
- Material containing rubber
- Waste petroleum products
- Paints and paint thinners
- Chemicals
- Any hazardous waste
- Coal
- Glossy colored paper

- Construction and demolition debris
- Plywood
- Particleboard
- Saltwater driftwood
- Manure
- Animal carcasses
- Asphalt products

H) Prohibition for Operation of Outdoor Wood-fired Boilers; No person shall use or operate a new or existing outdoor wood-fired boiler between the dates of May 1st and September 30th.

I) Regulatory Requirements for New and Existing Outdoor Wood-fired Boilers; No person shall use or operate a new or existing outdoor wood-fired boiler unless it complies with all existing state and local regulations. Some regulations of this Commonwealth that could apply include:

- 25 Pa. Code Section 121.7 - Prohibition of Air Pollution
- 25 Pa. Code Section 123.1 - Fugitive Emissions
- 25 Pa. Code Section 123.31 - Odor Emissions
- 25 Pa. Code Section 123.41 - Visible Emissions
- Section 8 of the Air Pollution Control Act, 35 P.S. Section 4008 - Unlawful Conduct
- Section 13 of the Air Pollution Control Act, 35 P.S. Section 4013- Public Nuisances

J) Permits for New and Existing Outdoor Wood-fired Boilers; No person shall use or operate an outdoor wood-fired boiler unless a permit is first obtained from the Hazle Township building department.

SECTION 19-4 ENFORCEMENT ORDERS

The Hazle Township Code Enforcement Officer and or the Zoning Officer or their designee shall have the duty and power to enforce the provisions of this ordinance.

A) The Township of Hazle may issue such orders as are necessary to aid in the enforcement of the provisions of this ordinance. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful use of outdoor wood-fired boilers, which is in violation of any provision of this ordinance; orders to take corrective action or to abate a public nuisance; or orders requiring production of information. Such an order may be issued if the Township of Hazle finds that such a person is in violation of any provision of this ordinance.
B) The Township of Hazle may, in it's order, require compliance with this ordinance.

C) An order issued under this section shall take effect upon notice unless the order specifies otherwise. An appeal to the Zoning Hearing Board of Appeals of Hazle Township's order shall not act as a supersedeas, provided, however, that, upon application and for cause shown, the Board of Appeals may issue such a supersedeas under rules established by the Board of Appeals.

D) The authority of the Township of Hazle to issue an order under this section is in addition to any remedy or penalty that may be imposed pursuant to this ordinance. The failure to comply with any such order is hereby declared to be a public nuisance.

SECTION 19-5 RESPONSIBILITIES OF OWNERS AND OPERATORS.

A) Whenever the Code Enforcement Officer and/or Building Inspector, or their designee, finds that illegal operation of an outdoor wood-fired boiler is occurring in the Township of Hazle, in contravention of the requirements of Section 2 above, the Code Enforcement Officer and or Building Inspector or their designee may order the owner/ operator to take corrective action in a manner satisfactory to the Township of Hazle, or the Code Enforcement Officer and or Zoning Officer or their designee may order the owner/ operator to allow access to the land by the Code Enforcement Officer and or Zoning Officer or their designee, or a third party to take action.

B) For the purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, the Township of Hazle may collect the assessment and collection of civil penalty contained in section 6 of this ordinance.

SECTION 19- 6 CIVIL PENALTIES

In addition to proceeding under any other remedy at law or in equity for a violation of a provision of this ordinance or any order issued pursuant to this ordinance, the Township of Hazle may assess a civil penalty for the violation. The penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not exceed twenty-five thousand dollars ($25,000) per day for each violation. In determining the amount of the penalty, the Township of Hazle shall consider the willfulness of the violation; damage to air, soil, water, or other natural resources of the Township of Hazle or their uses; financial benefit to the person in consequence of the violation; deterrence of future violations; severity and duration of the violation; degree of cooperation in resolving the violation; the speed with which compliance is ultimately achieved; whether the violation was voluntarily reported; other factors unique to the owners or operators of the source or facility; and other relevant factors.

A) When the Township of Hazle proposes to assess a civil penalty, it shall

inform the person of the proposed amount of the penalty. The person charged with the penalty shall then have thirty (30) days to pay the proposed penalty in full; or if the person wishes to contest the amount of the penalty or the fact of the violation to the extent not already established, the person shall forward the proposed amount of the penalty to the Zoning Hearing Board of Appeals within the thirty (30) day period for placement in an escrow account with the state treasurer or any commonwealth bank, or post an appeal bond to the Zoning Hearing Board of Appeals within thirty (30) days in the amount of the proposed penalty in full; provided that such a bond is executed by a surety licensed to do business in the commonwealth and is satisfactory to the Township of Hazle. If, through administrative or final judicial review of the proposed penalty, it is determined that no violation occurred or that the amount of the penalty shall be reduced, the Zoning Hearing Board of Appeals shall within thirty (30) days, remit the appropriate amount to the person with any interest accumulated by the escrow deposit. Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation of the amount of the civil penalty unless the appellant alleges financial inability to prepay the penalty or to post the appeal bond. The Board of Supervisors shall conduct a hearing to consider the appellant's alleged inability to pay within thirty (30) days of the date of appeal. The Board of Supervisors may waive the requirement to prepay the civil penalty or to post an appeal bond if the appellant demonstrates and the Board of Supervisors finds the appellant is financially unable to pay. The Board of Supervisors shall issue an order within thirty (30) days of the hearing to consider the appellant's inability to pay. The amount assessed after the administrative hearing or after waiver of administrative hearing shall be payable to the Township of Hazle. And shall be collectable in a manner provided by law for the collection of debts, including the collection of interest on the penalty amount computed in accordance with section 6621 (a)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) from the date of assessment of the penalty. If any person liable to pay any such penalty neglects or refuses to pay the same after waiver demand, the amount, together with interest and any costs that may accrue, shall constitute a debt of such person, as may be appropriate, to the Township of Hazle. The debt shall constitute a lien on all property owned by said person when a notice of lien incorporating a description of the property of the person subject to the said action is duly filed with the prothonotary of the court of common pleas where the property is located. The prothonotary shall promptly enter upon a civil judgment or order docket, at no cost to the Township of Hazle, the name and address of the person, as may be appropriate, and the amount of the lien as set forth in the notice of lien. Upon entry by the prothonotary, the lien shall attach to the revenues and all real and personal property of the person, whether or not the person is solvent. The notice of lien, filed pursuant to this

Section, which affects the property shall create a lien with priority over all subsequent claims or liens which are filed against the person, but it shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of notice of lien under this Section.

SECTION 19-7 UNLAWFUL CONDUCT

It shall be unlawful to fail to comply with or to cause or to assist in the violation of any of the provisions of this ordinance or to fail to comply with any order or other requirement of the Township of Hazle; or to cause a public nuisance; or to hinder, obstruct, prevent, or interfere with the Township of Hazle or its personnel in their performance of any duty hereunder, including denying the Code Enforcement or Zoning Officer or their designee access to the source or facility.

SECTION 19- 8 PUBLIC NUISANCES

A violation of this ordinance or of any order issued by the Township of Hazle constitute a public nuisance. The Township of Hazle shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the Township of Hazle may recover the expenses of abatement following the process for assessment and collection of a civil penalty contained in Section 6. Whenever the nuisance is maintained or continued contrary to this ordinance or any order issued pursuant to this ordinance, the nuisance may be abatable in the manner provided for by this ordinance. Any person who causes the public nuisance shall be liable for the cost of abatement.

SECTION 19- 9 REPEALER

All other ordinances or parts thereof, which are in conflict with this ordinance, are hereby repealed.

SECTION 19-10 VALIDITY

The provisions of this ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

SECTION 19-11 EFFECTIVE DATE

This ordinance shall become effective this 13th day of April 2009.

Adopted this 13th day of April 2009.

HAZLE TOWNSHIP SUPERVISORS

William J. Gallagher, Chairman

Mr. Anthony Matz, Vice-Chairman

Mr. Francis Boyarski, Secretary-Treasurer

ARTICLE 20

Ordinance # 2018-8-13-1

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

Adopted 8-13-2018

Ordinance 2018-8-13-1

Wireless Communications Facilities Ordinance

Section 1

Whereas; the Supervisors of Hazle Township wish to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996}; the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. in Hazle Township, and

Whereas; the Supervisors of Hazle Township desire to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communications needs of the Township residents, businesses and emergency service providers, and

Whereas; the Supervisors of Hazle Township recognize the benefit of wireless communications facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, they also recognize the obligation to protect public safety through the standards set forth in the following provisions.

Now Therefore; be it ordained at a duly advertised meeting of the Hazle Township Supervisors that this shall be known as the Wireless Communication Facility Ordinance.

Section 2

The definitions found herein apply only to Wireless Communications Facilities and the regulations found in this Article.

Accessory Equipment: Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

Antenna: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Base Station: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services (i.e., wifi) and fixed wireless services (i.e. point to point microwave transmissions) such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks) iii) The term includes any structure other than a tower that, at the time the relevant application is filed with Hazle Township under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The term does not include any structure that, at the time the relevant application is filed with the Township under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Distributed Antenna System (DAS}: A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Eligible Support Structure: Any tower or base station, provided that it is existing at the time the relevant application is filed.

Equipment Compound: An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

Ft. Worth Attachment: A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

Minimum Functional Height: Minimum height necessary for a WCF to function satisfactorily.

Modification: The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Monopole: A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

Replacement: The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Right-of-Way (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority 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 federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

Substantial Change OR Substantially Change: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten (10) feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building's rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. (ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; (iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets

for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure; iv) it entails any excavation or deployment outside the current site.

Tower: Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. WiFi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.

Tower-Based Wireless Communications Facilities (Tower-Based WCF): Wireless communications facilities that include the installation of a new tower to support the transmission equipment. A WCF that requires the replacement of an existing structure (i.e. building, water tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure) to support the weight of a WCF is not considered a new Tower-Based WCF.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

WCF on Existing Structure: Wireless communications facilities located on existing structures such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

Wireless Communications Facility (WCF): The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

Wireless Support Structure: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if

approved by the municipality.

Section 3 Permitted and Prohibited Zoning Districts for Wireless Communications Facilities (WCF)

Table 3.1.a
Permitted Zoning Districts

	WCF TYPE	PERMITTED ZONING DISTRICTS	PERMITTED BY RIGHT OR SE
A	Tower Based WCF Located in the ROW	Non-Residential Districts	By Right
B	Tower Based WCF where the Tower is forty feet (40') or less in height, Located out of the ROW.	Non-Residential lots or properties In residential Zoning Districts (subject to table 3.b below)	Special Exception
C	Tower Based WCF where the Tower is more than forty feet (40') in height, located outside of the ROW	Non-residential Districts Church, School, Public or Semi-Public or other institutional lots or properties in Residential Zoning Districts	By Right Special Exception
D	WCF on Existing Structures	All Zoning Districts	By right
E	Eligible Facilities Request		

Table 3.1b
Prohibited Zoning

WCF TYPES		PROHIBITED ZONING DISTRICTS
A	Tower Based WCF located out of the ROW	Residential Lots or Properties in Residential Zoning Districts
B	Tower Based WCF located in the ROW	Residential Districts where all public service utilities are primarily located underground within one hundred feet of the proposed Tower or Base Station.

Section 4. Bulk and Area Requirements

		WCF out of the ROW	WCF in the ROW
Height		Tower Based WCF's shall be designed to Minimum Functional Height. Applicants shall submit documentation justifying the total height.	Tower Based WCF's shall be designed to minimum functional height, not to exceed forty feet (40') in Residential Zoning Districts and sixty feet (60') in Non-residential Zoning Districts. Applicants shall submit documentation justifying the total height.
Lot Size	Only use on lot or property.	Subject to the underlying zoning district.	Not applicable
	Combined with another use on lot or property	Area needed to accommodate the WCF and guy wires, accessory equipment, and if required security fence and landscaping and screening.	Not applicable
Setbacks	Towers:	Setbacks from property lines not lease lines, at least one hundred percent (100%) of the combined height of the Wireless Support structure and Antennas, or the applicable minimum building setback on the underlying zoning district, whichever is greater.	Not applicable

Section 5 Design, Construction and Operations

a) All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired,

Modified, removed and Replaced in strict compliance with all current applicable federal and state technical and safety codes.

b) Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.

c) All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

d) Collocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.

e) Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.

f) Lighting. Towers shall not be artificially lighted beyond what is required by law.

g) Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of 50db ldn at the property line. In the event of a complaint of excessive noise from the WCF the owner of the WCF shall at their expense have the sound level at the property line tested by a certified engineer within ten (10) days of receiving said complaint and furnish Hazle Township with those results. Should the WCF be found not in compliance immediate steps to correct the violation shall be taken by the owner. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.

h) Vehicular Access.

1) An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way.

2) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

3) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.

4) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

5) An applicant shall present documentation to the Township that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.

6) Any required access easement shall be a minimum of twenty (20) feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least ten (10) feet throughout its entire length.

7) Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.

i) Fencing. A security fence, which may include barbed wire, with a minimum height of eight (8') feet may be required to surround any Tower-Based WCF located outside the Right-of-Way, where the

Tower is more than forty (40) feet in height, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the Township when the fence would not be appropriate or feasible. In the event the fence requirement is waived by Hazle Township other industry standard safety measures shall be utilized

j) Safety in Rights-of-Way.

1) Schedule of operations. Hazle Township shall determine the time, place and manner of siting, design, construction, maintenance, repair, Modification, removal and/or Replacement of all WCFs located in the Right-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of Hazle Township and the requirements of the Public Utility Code.

2) Alteration of a WCF. Within sixty (60) days following written notice from Hazle Township, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when Hazle 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 any one of the following circumstances:

i) The construction, repair, maintenance or installation of any municipal or other public improvement located in the Right-of-Way. ii) The operations of Hazle Township or other governmental entity in the Right-of-Way. iii) Vacation of a street or road or the release of a utility easement. iv) An emergency as determined by Hazle Township. v) No permit is required for such removal, relocation, change or alteration ordered by Hazle Township.

3) Visual obstruction. All 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 Right-of-Way as determined by the Township. In no case shall ground-mounted equipment, walls, screening or landscaping be located within eighteen (18) inches of the face of the curb, or in an area in which there are no curbs, within three (3) feet of the edge of cart way.

(k) Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.

(l) Soil report. An applicant for a Tower-Based WCF where the new Tower is more than forty (40) feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the Township Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

m) Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

n) Inspections for all WCFs where the new Tower is more than 40 feet in height.

1) A copy of any required inspection report shall be provided to the township following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.

o) Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.

Section 6 Aesthetics, Landscaping, and Screening

a) Stealth Technology. All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

b) Landscaping and Screening. An applicant for Tower-Based WCF where the new Tower is more than forty (40) feet in height, located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:

1) The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.

2) Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by Hazle Township.

Section 7 Replacement, Collocation, or Modification

a) Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the Township building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.

b) Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the Township.

c) Any Substantial Change to an existing Tower-Based WCF shall require approval of the Township in accordance with the terms of this Section.

d) Mounting. An applicant proposing a WCF on Existing Structure to be mounted on a building. or any other structure shall submit detailed construction and elevation drawings indicating how the WCF on Existing Structure will be mounted on the existing structure for review by the Township building code official for compliance with the building code.

Section 8 Permit Requirements

a) Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a [1/4 or 1/2] mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.

b) Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than forty feet in height; located outside of the Right-of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area.

c) Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.

d) Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

e) Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.

f) Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.

g) Review timeframes.

Table 8.1 WCF Review Timeframes

A	New Tower-Based WCF's	Hazle Township shall notify the applicant in writing of any information that may be required to complete the application. Within thirty (30) calendar days of the date the application was filed with Hazle Township.	Hazle Township shall approve or deny the application unless a shorter time period is applicable under the PA MPC. Within one hundred fifty (150) days of submission of a complete application for a WCF.
B	WCF's on existing structures.	Within thirty (30) calendar days of the date the application was filed with Hazle Township.	Within ninety (90) days of submission of a complete application for a WCF.
C	Eligible Facilities Request (as defined)	Within thirty (30) calendar days of the date the application was filed with Hazle Township.	Within sixty (60) days of submission of a complete application for a WCF.

h) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.

Section 9 Discontinuation, Abandonment and Removal

a) Discontinuation. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator 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:

1) All unused or abandoned 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.

2) 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 municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.

3) Any unused portions of WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations.

Section 10 Severability

(a) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(b) All ordinances or parts thereof in conflict herewith are hereby repealed.

Section 11 Effective Date

This Ordinance shall be effective immediately upon adoption and passage by the Hazle Township Supervisors.

ORDAINED AND ENACTED into law this 13th day of August, 2018.

TOWNSHIP OF HAZLE

ATTEST: Francis E. Boyarski
Francis E. Boyarski, Secretary

By: James Montone
James Montone, Chairman

By: Dennis E. Dudeck
Dennis E. Dudeck, Vice-Chairman