

**POCONO TOWNSHIP ZONING ORDINANCE, ZONING MAP, SALDO
AMENDMENTS**

MEETING #15 AGENDA

June 24, 2024 - 6:00pm

Pocono Township Municipal Building

- 1. Review Draft #3 of Accessory Alternative Energy Systems**
- 2. Review Draft #3 of Principal Wind Energy Facilities Overlay District**
- 3. Discuss Location(s) for Principal Wind Energy Facilities Overlay District**
- 4. Begin Review of Draft #1 of Article V Supplementary Regulations**
- 5. Confirm Next Meeting Date – July 22, 2024**

*****New revisions are shown with yellow highlight*****

§ 470-31. Accessory Uses or Structures.

- A. All accessory buildings shall be required to adhere to the minimum yard dimensions established for the district in which the building is located, except as specified elsewhere in this Section.
- B. Every pool must have means of providing a safe, secure, nonentry means of safeguard usually comprised of locked gates and fencing. All pools shall be entirely enclosed with a permanent, continuous fence not less than four feet in height unless the pool is an aboveground pool, all sides of which are at least four feet above the lowest ground level. All pools shall be required to adhere to the minimum yard dimensions established for the district in which the pool is located.
- C. Private tennis courts must adhere to the minimum yard dimensions established for the district in which the courts are located.
- D. Accessory solar energy facilities (ASEF). Everything hereafter is new (proposed)
 - (1) A solar energy system shall be permitted as an accessory use in all zoning districts, subject to the provisions set forth herein, as well as all other applicable state or federal regulations. A system is considered an accessory solar energy facility only if it supplies electrical or thermal power primarily for on-site use. ~~The system design capacity shall be no greater than 125% of normal peak on-site energy demand.~~ The energy generated in excess of the requirements of the principal and/or accessory use of the property may be purchased or acquired by a public utility in accordance with all applicable laws and government regulations.
 - (2) An accessory solar energy facility (ASEF) may be roof-mounted or ground-mounted subject to the applicable criteria in § 470-31D(10), § 470-31D(11) or § 470-31D(12), as applicable.
 - (3) An ASEF installed prior to enactment of this Section is not required to comply with the terms of this Section. However, any physical modification that materially alters the size, type and number of solar panels or other equipment shall require approval under this Ordinance and meet the requirements of the applicable building, electrical, and fire code(s).
 - (4) Design and permitting. The design and installation of the ASEF shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. Township permits shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
 - (5) Grid connection. The applicant for an ASEF connected to the utility grid shall provide to the Township written authorization from the local utility company acknowledging and approving such connection.
 - (6) Radiation and glare. Solar collectors shall be placed such that concentrated solar radiation and reflective glare shall not be directed onto nearby properties or streets, or interfere with aviation or airport flight patterns. Acknowledgement of same from the Federal Aviation Administration, Pennsylvania Bureau of Aviation, or other agency or

entity, may be necessary at the discretion of the Board of Commissioners.

- (7) Solar access easements. The Township does not guarantee and will not protect any individual property rights with respect to solar access. The ASEF ~~shall~~ should be located to ensure solar access without reliance on adjacent properties, and the ASEF owner is encouraged to obtain solar access easements from neighboring landowners to ensure solar access. Where necessary to ensure that solar access to an ASEF shall not be obstructed over time by permissible uses or activities on any adjacent property (e.g., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the ASEF to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Monroe County Recorder of Deeds.
- (8) Upon completion of installation, the ASEF shall be maintained in good working order in accordance with standards of the Township codes under which it was constructed. Failure of the property owner to maintain the ASEF in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable ordinances.
- (9) An ASEF, including associated equipment, shall be removed at the owner's sole expense within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the system. The ASEF shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months. The ASEF owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASEF in the last 12 months.
- (10) Roof-mounted ASEF shall comply with the following standards:
 - (a) The roof-mounted ASEF may be installed on a principal or accessory building.
 - (b) ~~The solar panels shall not exceed the building height or accessory building height limitation of the applicable zoning district by more than three feet above the roof areas to which they are mounted.~~
 - (c) No portion of an ASEF shall extend beyond the edges of the roof.
 - (d) No portion of an ASEF attached to a pitched roof shall extend above the ridgeline of the pitched roof.
 - (e) For an ASEF attached to a flat roof, the highest point of the system shall be permitted to exceed the height limit of the zoning district in which it is located by up to 3 feet above the rooftop to which it is attached in a residential district, and by up to 6 feet above the rooftop to which it is attached in a non-residential district.
 - (f) No equipment associated with the roof-mounted ASEF shall be permitted in the front yard; however, equipment affixed to the roof of the principal or accessory structure and visible from the front yard shall be permitted.
 - (g) An effort shall be made to make the wiring and hardware blend in with the roof and building façade.

(11) Ground-mounted ASEF shall comply with the following standards:

- (a) Ground-mounted ASEF and all associated mechanical equipment shall meet the setback requirements for an accessory **use building** for the zoning district in which they are located, and shall not be located within any required front yard setback, along any street frontage, or within any required easement, right-of-way, or stormwater conveyance system.
- (b) Ground-mounted ASEF shall not exceed a height of 15 feet, except that a ground-mounted ASEF may exceed a height of 15 feet if it will cover an impervious surface parking area and the applicant can demonstrate to the Township that greater height is needed to allow clearance for emergency service and service vehicles.
- ~~(c) All exterior electrical and/or plumbing lines from the solar energy system to any building or other structure shall be located underground.~~
- ~~(d) Ground-mounted ASEF shall be screened from view from adjacent properties and from adjacent street(s) upon which the property has frontage. Such screening shall and shall screen the supporting infrastructure for the panels and control equipment; the screening shall not be required to screen the solar panels, as reception of sunlight is essential for proper operation thereof.~~
- (e) For the purposes of this Section, the ground-mounted ASEF, including all at-grade and above-grade solar panels and associated equipment, buildings, or structures shall be considered impervious surface and subject to the maximum impervious coverage requirements of the zoning district in which it is located, unless the applicant can demonstrate to the Township Engineer, by evidence, that stormwater will infiltrate into the ground beneath the solar collection system at a rate equal to that of the infiltration prior to placement of the system. The area of a ground-mounted ASEF shall be calculated as the dimension of the footprint of the cumulative solar panels plus the area of any associated buildings, equipment, or structures. For a tracking array or other moveable system the footprint of the solar panels shall be calculated at a 33 degree tilt angle.
- (f) To the extent possible, all ground-mounted ASEF shall be located so that tree removal is not required.

Screening is covered by National Electric Code

(12) Ground-mounted ASEF exceeding 500 square-feet in surface area shall be subject to conditional use approval and shall comply with the following conditions, in addition to the standards set forth in § 470-31D above:

- (a) The ground-mounted ASEF shall be setback a minimum of 100 feet from property lines and road rights-of-way unless the Board of Commissioners determines that the existing topography and/or landscaping provide an adequate barrier.
- (b) Native grasses and/or other native vegetation satisfactory to the Township shall be planted and maintained below and between ground-mounted solar panels, modules and/or arrays, unless other ground cover is required by a state or federal agency or recommended by the Township Engineer, consultant, or licensed landscape architect and approved by the Board of Commissioners.

E. Accessory wind energy facilities (AWEF).

- (1) A wind energy facility shall be permitted as an accessory use in all zoning districts, subject to the provisions set forth herein, as well as all other applicable State or Federal regulations. A system is considered an accessory wind energy facility only if it supplies electrical or thermal power primarily for on-site use. The energy generated in excess of the requirements of the principal and/or accessory use of the property may be purchased or acquired by a public utility in accordance with all applicable laws and government regulations.
- (2) An accessory wind energy facility (AWEF) may be roof-mounted or ground-mounted subject to the applicable criteria in this § 470-31E.
- (3) An AWEF installed prior to enactment of this Section is not required to comply with the terms of this Section. However, any physical modification that materially alters the size, type and number of wind turbines or other equipment shall require approval under this Ordinance and meet the requirements of the applicable building code(s).
- (4) The layout, design, and installation of AWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code and all applicable building code and fire and safety requirements. The applicant shall submit manufacturer's specifications as part of an application.
- (5) The applicant for an AWEF connected to the utility grid shall provide to the Township written authorization from the local utility company acknowledging and approving such connection.
- (6) Noise.
 - (a) Equipment selected for use as an AWEF shall incorporate the latest technology for producing low ambient noise levels.
 - (b) The sound produced by the AWEF shall not exceed 45dBA as measured at the property line at ground level.
 - (c) Noise limits may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (7) When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall comply with the accessory building requirements of the underlying zoning district.
- (8) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (9) Clearly visible warning signs concerning falling objects shall be placed within the principal structure yard setbacks and spaced not more than 100 feet apart, to the extent possible, to warn against ice and rotor throws. Signs are to be placed a minimum of three (3) feet from the ground and be a minimum of one (1) square foot, but not exceeding two (2) square feet, in surface area.
- (10) The owner shall post electrical hazard warning signs on or near the AWEF.

- (11) All on-site utility, transmission lines, and cables shall be placed underground.
- (12) The display of advertising is prohibited except for identification of the manufacturer of the system.
- (13) AWEF shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.
- (14) AWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently from FAA or BOA regulations.
- (15) AWEF shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
- (16) AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
- (17) No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks.
- (18) The owner of the AWEF shall provide evidence that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the wind energy system.
- (19) The potential ice throw or ice shedding for an AWEF shall not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.
- (20) The owner of the AWEF shall ensure that the design and operation of the AWEF avoid disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
- (21) Permit requirements.
 - (a) Zoning/building permit applications for AWEF shall be accompanied by ~~standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Permits shall show the location of the AWEF on the lot, lot lines, rights of way, adjoining occupied buildings, and above ground utility lines located on the lot. Permits must be kept on the premises where the AWEF is constructed. a site plan which includes the following:~~
 - [1] Property lines and physical dimensions of the property;
 - [2] Location, dimensions, and types of existing structures on the property;
 - [3] The right-of-way of any adjacent public road(s);
 - [4] Location of any above-ground utility lines on the property or adjoining lots;
 - [5] Location of the proposed AWEF on the property;
 - [6] AWEF system specifications, including manufacturer and model, rotor

diameter, tower height, and tower type (freestanding or guyed); and

[7] Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.

- (b) Permits shall be kept on the premises where the AWEF is constructed
 - (c) The zoning/building permit shall be revoked if the AWEF, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AWEF not to be in conformity with this Ordinance.
 - (d) For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for AWEF installations of 20kW or less and will not require project-specific soils studies. Applicants proposing projects involving substandard soil conditions or installations of AWEF greater than 20kW may be required by the Zoning Officer to submit detailed soil studies.
 - (e) The A WEF must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the AWEF to conform or to remove the AWEF.
- (22) An AWEF, including associated equipment, shall be removed and properly disposed of at the owner's sole expense within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the system. The system shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months. The AWEF owner shall, at the request of the Township, provide information concerning the amount of energy generated by the AWEF in the last 12 months.
- (23) Roof-mounted AWEF shall comply with the following:
- (a) ~~Power generated by roof-mounted AWEF shall not exceed 1,000 watts (1 kilowatt) of maximum output capacity.~~ There shall be no commercial use of a roof-mounted AWEF for generation of energy.
 - (b) The applicant shall provide certification from a Pennsylvania registered professional engineer that the building is structurally sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
 - (c) The roof-mounted wind turbine shall be mounted in accordance with the manufacturer's installation requirements ~~with mounting bracket materials being a minimum thickness of ¼ inch steel.~~ The mounting equipment shall be certified by ~~the wind turbine's manufacturer~~ a Pennsylvania licensed professional engineer that the mounting equipment is sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the

wind turbine.

- (d) Roof-mounted AWEF shall not exceed a height of 8 feet measured from the center of the wind turbine's nose cone to the roofline on which it is mounted.
 - (e) Roof-mounted wind turbine blades shall have a minimum clearance of three (3) feet between the tip of the blades and roofline as well as other obstructions including but not limited to antennae, satellite dishes, vent stacks, and chimneys. Spacing between wind turbines shall be in accordance with manufacturer specifications.
 - (f) Roof-mounted wind turbines shall be set back from any adjacent occupied building a distance of not less than 30 feet.
 - (g) All exterior wiring and hardware shall blend in with the roof and building façade.
- (24) Ground-mounted AWEF shall be comply with the following:
- (a) Power generated by ground-mounted AWEF equipment shall not exceed 50 20 kilowatts of maximum output capacity for residential use and 50 (100?) kilowatts for farm use. There shall be no commercial use of a ground-mounted AWEF for generation of energy.
 - (b) No ground-mounted AWEF shall be located in a front yard.
 - (c) Ground-mounted AWEF shall not exceed a height of 50 (65? 80? 120?) 80 feet. The height of a ground-mounted AWEF shall be measured from the average approved finished grade at the perimeter of the base of the ground-mounted AWEF to the highest vertical point of the rotor at its maximum vertical position.
 - (d) For a ground-mounted AWEF, only a single pole or monopole structure shall be permitted. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports and shall be certified by the wind turbine's manufacturer that the pole is sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
 - (e) The minimum height of the lowest position of the ground-mounted wind turbine rotor shall be 15 feet above the surface of the ground.
 - (f) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (g) To prevent climbing, a ladder or steps affixed to a ground-mounted wind turbine shall not be provided any lower than 15 feet above its base.
 - (h) Setbacks for ground-mounted AWEF:
 - [1] AWEF shall be set back from property lines, occupied buildings, above-ground utility lines, road and/or railroad rights-of-way by a distance equal to no less than ~~2-~~ (1.1?) 1.1 times the total turbine height.
 - [2] ~~AWEF shall be allowed closer to a property line than the prescribed setbacks if the abutting property owner(s) grants written permission in the form of a~~

(c)50 ft height is very restrictive and inefficient for energy production. Heights up to 160 ft. Or no height limit as long as meet setback, noise, and FAA regs

~~signed easement and the installation poses no interference with public utility lines, public roads and rail right-of ways.~~

- (h) The number of ground mounted AWEF permitted on a lot shall be based upon lot size and follow the schedule below:

Lot Size	Maximum Number of Ground-Mounted AWEF
<1 acre to 4.99 acres	1
5+ acres to <10 acres	2
10+ acres	3

F. Geothermal energy systems.

Township has a Well Ordinance. Geothermal can be put in the Well Ordinance rather than zoning, expect that zoning could say open loop systems are prohibited and refer to the well ordinance

- (1) A closed-loop geothermal energy system shall be permitted in all zoning districts as an accessory use, where the energy supplied is solely for the use of principal and/or accessory uses permitted on the subject property.
- (2) Open-loop geothermal energy systems are prohibited.
- (3) It shall be unlawful to install a new geothermal well or modify an existing geothermal well without a valid permit. Prior to constructing a new geothermal well or modifying an existing geothermal well, the property owner shall file all appropriate applications with the Township, County, or other regulating agency and pay all applicable fees.
- (4) All geothermal well applications shall be completed and include the following information:
 - (a) Applicant name and signature, address, and telephone number.
 - (b) Site address, subdivision name, and lot number.
 - (c) Driller name, (State licensing agency) number, and telephone number.
 - (d) Tax parcel number.
 - (e) Description of construction.
 - (f) Manufacturer’s specifications.
 - (g) A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, which identifies property lines, lot dimensions, adjacent streets, slopes, location of existing natural and manmade features, location of the proposed closed-loop geothermal system, bore holes, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings, water supplies, and any other feature that requires a setback as specified in subsection (8) below.
- (5) Any relocation of the proposed geothermal well site from the permitted location must be submitted in writing and approved by the Township.
- (6) The geothermal system shall be installed, maintained, and decommissioned in standards conforming to International Ground Source Heat Pump Association (IGSHPA) Closed-Loop/Geothermal Heat Pump Systems Design and Installation

Standards, as same may be amended and updated from time to time, and as per all applicable manufacturer’s specifications, as well as all zoning, building code, and utility requirements.

- (7) Only a Pennsylvania Department of Environmental Protection licensed well driller, or an IGSHPA-accredited geothermal system installer, shall conduct the drilling of a geothermal well. In all cases, the well drilling rig must also be approved by Pennsylvania Department of Environmental Protection.
- (8) Geothermal energy systems may be located on a lot with a permitted use provided that all structural components comply with the accessory setback requirements and lot coverage requirements of the zoning district on which it is located.
- (9) Minimum isolation (setback) distance. Wells and boreholes regulated by this ordinance shall be located using the minimum isolation (setback) distances to existing or potential sources of pollution listed in the table below. For closed-loop geothermal wells and boreholes, which due to infeasibility, cannot conform to the requirements in said table (on the following page), an appeal to the Township can be made detailing the infeasibility and the proposed location. Upon review, the Township may reduce the required setback distances.

Setback From	Borehole Minimum Distance (feet)
Delineated floodplains, wetlands, streams, lakes, ponds, or other surface waters	25 feet or in accordance with accordance with applicable setback, buffer, or disturbance limitations of Chapter 205 Floodplain Management and Article XI Natural Resource Protection, whichever is more restrictive
Property line, easement or public right-of-way	10 feet
Building foundations (except for buildings enclosing water wells and/or water well pumps and any other source of pollution as approved).	10 feet
Farm silos, barnyards, privies, and fuel tanks	25 feet
Storm drains, detention/retention basins, stabilization ponds, or stormwater management facilities	10 feet
Individual water supply or water supply system suction line	50 feet
Existing water and forced sewer buried utilities and/or utility trenches	15 feet or outside easement
Gravity sewer lines and drains carrying domestic sewage or industrial waste	15 feet or according to easement
Septic tanks, aerobic tanks, pump tanks or holding tanks	25 feet
Subsurface sewage disposal systems, absorption areas, elevated sand mounds, or other sewage disposal fields	50 feet

Spray irrigation sites, sewage sludge, and septage disposal sites	50 feet
Sewage seepage pits and cesspools	50 feet
Sewer drains, public sewer laterals	5 feet
Identified NPL Site (Superfund) plume area	as per US EPA
Preparation area or storage area of hazardous spray materials, fertilizers, chemicals, or salt piles	300 feet
Surface or subsurface containers or tanks of greater than 1,000 gallons used for storage of materials that cannot be properly renovated by passage through soil. This includes, but is not limited to, gasoline and all other petroleum products	300 feet
Surface or subsurface containers or tanks of 1,000 gallons or less used for storage of materials which cannot be properly renovated by passage through soil. This includes, but is not limited to, gasoline and all other petroleum products. For example, the type of tanks frequently used in homes using oil for heating purposes	30 feet
Any other source or potential source of pollution	300 feet

(10) Closed-loop geothermal boreholes shall be located, drilled, and finished in a manner that will protect the borehole structure from damage from surface activities or other natural occurrences so that the quality of the local groundwater cannot be affected.

(11) The minimum required backfilling material for boreholes is bentonite. Bentonite grout shall be pure, with at least 20 percent solids by weight when mixed with water. Hydration of the bentonite must be delayed until the bentonite has been placed down the well. It is recommended that the vertical boreholes are grouted from the bottom of the well to the top using an appropriate grout with thermal transfer properties. If the borehole penetrates bedrock, it must be grouted from a depth of 15 feet into the bedrock to the top of the borehole.

~~(12) All applicants for geothermal energy systems located in areas underlain by karst or carbonate geology shall acknowledge, and by virtue of the application for a permit for installation of a geothermal energy system, shall agree to the following~~

~~(a) In all situations when boreholes or trenches are (or have been) excavated, or natural conditions have otherwise been disturbed (such as through the withdrawal of groundwater in an open loop system), the likelihood of sinkhole formation increases;~~

~~(b) The applicant (or subsequent owner) accepts all responsibility and liability for any sinkholes that do form in association with the applicant's geothermal energy system; and~~

~~(c) The applicant (or subsequent owner) agrees to repair any and all sinkholes that form in association with the geothermal energy system.~~

- (13) If the geothermal energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner, through a Pennsylvania Department of Environmental Protection licensed well contractor, or an IGSHPA-accredited well contractor to remove, permanently seal, or properly maintain the geothermal energy system, in accordance with IGSHPA standards, within 12 months from the date the system enters such a state. Any earth disturbance as a result of the removal or permanent sealing of the geothermal energy system shall be graded, reseeded and revegetated with native species to its pre-disturbance condition.

G. Emerging energy systems.

- (1) Emerging energy systems, other than those specifically defined in this Chapter, shall be permitted by special exception as an accessory use provided that such systems are located on a lot with a permitted use in accordance with the applicable provisions of this Chapter.
- (2) Emerging energy systems may be located on or attached to an occupied building provided that the structural components of the emerging energy systems do not exceed the permitted building height requirements of the zoning district in which it is located.
- (3) All components of the emerging energy systems shall comply with the building setback requirements and lot coverage requirements of the zoning district in which it is located.
- (4) A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, shall be submitted, which identifies property lines, lot area, location of existing natural and manmade features, location of the proposed emerging energy system, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings.
- (5) Emerging energy systems may be located on a lot provided that it is located, designed, and installed considering the health, safety, and general welfare of the adjacent property owners. The emerging energy system and associated building, structures, and equipment shall be secured and clearly visible warning signs concerning voltage and other potential hazards shall be placed as needed. As part of the special exception application, the Zoning Hearing Board may attach reasonable conditions and safeguards.

PRINCIPAL WIND ENERGY FACILITY OVERLAY DISTRICT***Regulated as an overlay district*****§ 470-22.3. General PWEF Principal-Solar Wind Energy Facility Overlay District**

- A. Intent. To provide for the construction, installation, operation and decommissioning of principal wind energy facilities in Pocono Township, subject to reasonable conditions that will protect the public health, safety, and welfare.
- B. Applicability.
- (1) This §470-22.3 applies to any principal wind energy facility (PWEF) proposed to be constructed, installed, operated, or decommissioned after the effective date of this ordinance.
 - (2) Any upgrade, modification, or structural change that materially alters the size or placement of an existing PWEF or its related equipment shall comply with the provisions of this §470-22.3.
 - (3) For any lot or property, or portion thereof, within the Principal Wind Energy Facility Overlay District, the regulations of said overlay district shall supersede any regulations of the underlying district which are in conflict with those of this §470-22.3. **The area and boundary of the PWEF Overlay District is designated on the Official Zoning Map of Pocono Township, as may be amended.**
- C. Use Regulations.
- (1) A principal wind energy facility shall only be located in the Principal Wind Energy Facility Overlay District and shall only be permitted in said overlay district as a conditional use in accordance with §470-130 of this chapter, as may be amended. A PWEF shall also meet the requirements of the Pocono Township Subdivision and Land Development Ordinance, as may be amended, including, but not limited to, land development requirements. In addition to the requirements set forth in §470-130, the PWEF owner and/or applicant shall provide the following as part of their conditional use application:
 - (a) A narrative describing the proposed PWEF, including an overview of the project; the project location; the approximate generating capacity of the PWEF; the approximate number, representative types, and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions, and respective manufacturers; and a description of ancillary facilities.
 - (b) Identification of the properties on which the proposed PWEF will be located and the properties adjacent to where the PWEF will be located.
 - (c) A descriptive site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any

applicable setback. The site plan shall incorporate a fire protection plan, including, but not limited to, location of hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and Pocono Township Fire Chief for their review and comment.

- (d) Evidence that the electric utility company has been informed of the owner's and/or operator's intent to install such facility and its intended connection to the utility grid. A copy of the electric utility company's approval to connect to the utility grid shall be provided to the Township if secured at time of conditional use application, but not later than at time of application for zoning permit.
- (e) An affidavit or evidence of agreement between the property owner and PWEF owner and/or operator confirming the PWEF owner and/or operator has permission to apply for the conditional use. Copies of all necessary permits for the construction, installation, operation and decommissioning of the PWEF shall be provided if secured at time of conditional use application, but not later than at time of application for zoning permit.
- (f) Documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth of Pennsylvania Bureau of Aviation (BOA).
- (g) A wind resource study documenting wind resources at the site. The study shall include but is not limited to data showing average wind speeds capable of generating electricity and the available capacity to transmit the electricity into the power grid.
- (h) A noise study demonstrating compliance with §470-22.3C(2)(i) below.
- (i) A shadow flicker study demonstrating compliance with §470-22.3C(2)(j) below.
- (j) Copies of all studies, analyses, reports, certificates and approvals required by all agencies shall be provided to the Township if secured at time of conditional use application, but not later than at time of application for zoning permit. The Township and/or any of its consultants shall be provided with copies of other studies, analyses, and/or reports, as may be reasonably requested, including but, not limited to, the PWEF system design by the PWEF owner's and/or applicant's engineer and traffic impact analysis during construction and decommissioning of the PWEF.
- (k) Traffic routes in the Township, traffic volumes and delivery times, and truck weights and sizes relative to PWEF construction and decommissioning shall be provided as part of the conditional use application. Off-street parking and staging areas for construction-related and delivery vehicles shall be depicted on the conditional use site plan. Township streets shall not be used for parking or staging of construction-related or delivery vehicles during installation and/or decommissioning of the PWEF.
- (l) Documents related to decommissioning in accordance with §470-22.3(2)(u).
- (m) Payment in full of applicable conditional use hearing fees. The PWEF owner and/or applicant shall be responsible for payment of fees in excess of hearing fees submitted with the conditional use application prior to issuance of a zoning permit

for Township Engineer and/or consultant fees.

- (2) The following standards, requirements and criteria, without limitation, shall apply to a principal wind energy facility:
 - (a) The layout, design, and installation of PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of Pocono Township. The manufacturer specifications shall be submitted as part of the application.
 - (b) All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including but not limited to 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.
 - (c) Visual appearance.
 - [1] PWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently by FAA or BOA regulations.
 - [2] PWEF shall not be artificially lighted, except to the extent required by the FAA, BOA or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
 - [3] Wind turbines shall not display advertising, except for identification of the manufacturer of the system, facility owner and operator.
 - [4] All on-site utility, transmission lines, and cables shall be placed underground unless otherwise approved by the Board of Commissioners. The conditional use site plan and land development plan shall clearly depict where all underground and above-ground utility lines are proposed.
 - [5] No PWEF shall be installed at any location that would substantially detract from or block the view of the major portion of a recognized scenic vista, as viewed from any public road right-of-way or publicly-accessible parkland or open space within Pocono Township.
 - [6] Accessory structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a permanent visual screen.
 - (d) Warnings and safety measures.
 - [1] A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - [2] All access doors to wind turbines, electrical equipment, outbuildings and

appurtenances shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

- [3] Wind turbines shall not be climbable up to 15 feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.
- [4] Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
- [5] The potential ice throw or ice shedding for a PWEF shall not cross the property line of the lot on which the PWEF is located nor impinge on any right-of-way or overhead utility line.
- [6] The applicant shall provide a copy of the project narrative and site plan to local emergency services, including the Pocono Township Fire Department.
- [7] The facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. Upon request the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

(e) Height

- [1] The maximum height of a PWEF wind turbine tower and structure, ~~including all moving and rotating parts, shall not exceed 200 feet (or 300 ft OR 537 feet based on average 322 hub ht + 215 rotor radius OR no height limit), except as a lesser height may be imposed by~~ **be in accordance with FAA or BOA regulations, whichever is more restrictive**. The height shall be measured from the average finished grade at the perimeter of the base of the wind turbine tower to the highest vertical point of the rotor blade in its highest vertical position.
- [2] The maximum height of accessory buildings, structures and related equipment to the PWEF shall comply with accessory height limit of the underlying zoning district in which the PWEF is located.

(f) Setbacks.

- [1] Wind turbines shall be set back from the nearest property line a distance of not less than ~~two times (or 1.1 [~600ft] or 1.25 times [~670ft]?) its total turbine height or the maximum setback requirement for the zoning district, whichever is greater~~, except that if the nearest property line abuts a non-participating parcel, the minimum setback shall be **1,000 feet, (for noise)** or 1.5 times the hub height plus the rotor diameter (1.5 x (hub ht. + rotor diameter)), ~~(for ice throw) or the maximum setback requirement for the zoning district, whichever is greater~~. The setback distance shall be measured to the center of the wind turbine base.
- [2] Wind Turbines shall be set back from the nearest occupied building on a non-participating landowner's property not less than **five times its hub height, (322 x 5 = 1,610 ft)** ~~(or 2500 feet?)~~ measured from the center of the wind turbine

Setbacks are for: noise, ice throw, blade throw, falling objects, visual, wind clearance

Noise: Min 1,000 ft to mitigate noise.

Ice Throw formula:
1.5 x (hub ht + rotor diameter)

Avg hub ht = 322ft
Avg rotor diam = 430ft

1.5 x (322 + 430) = 1,128 ft

base to the nearest point on the foundation of the occupied building.

- [3] Wind Turbines shall be set back from the nearest occupied building on a participating landowner's property not less than **1.1** times ~~(or 1.5 times?)~~ its total turbine height measured from the center of the wind turbine base to the nearest point of foundation of the occupied building. Any operator/occupied building used in connection with the development are exempt from this distance limit.

or 1.5 times the hub height plus the rotor diameter (1.5 x (hub ht. + rotor diameter)), (for ice throw)

- [4] All wind turbines shall be set back from the nearest public road **right-of-way** a distance of not less than ~~1.1 (or 1.25 times 2 times or 1000 ft?)~~ the total turbine height **1.5 times the hub height plus the rotor diameter [1.5 x (hub ht. + rotor diameter)]**, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

- [5] Wind turbines shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than 2.0 times its total turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of such lines.

- [6] Wind turbines shall be set back at least 2,000 feet from Important Bird Areas as identified by Audubon Pennsylvania/Mid-Atlantic.

- [7] Accessory buildings, structures, and related equipment to the PWEF shall comply with the accessory building setback requirements of the underlying zoning district in which the PWEF is located.

[8] Waiver of setbacks.

~~[a] Upon request, the Board of Commissioners may grant partial waivers of setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.~~

~~[b] The Board of Commissioners may take into consideration the support or opposition of adjacent property owners in granting waivers of setback requirements hereunder.~~

(g) Use of public roads.

- [1] The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation, or maintenance of the PWEF.

- [2] The Township 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 soon thereafter as weather permits.

- [3] The Township may bond the road in compliance with state regulations.

- [4] Any road damage caused by the Applicant or its contractors shall be promptly

repaired to the Township’s satisfaction at the Applicant’s expense.

- [5] The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
- [6] Every effort shall be made to use existing roads and logging roads. New deforestation and forest fragmentation shall be kept to a minimum.
- (h) Access roads and parking areas within the PWEF shall be compacted stone and/or of a paved material, of depth and width satisfactory to the Township Engineer and approved by the Board of Commissioners.
- (i) Noise.
 - [1] Equipment selected for use as a PWEF shall incorporate the latest technology for producing low ambient noise levels. Audible sound from a PWEF shall not exceed **45 dBA** ~~or 55~~, as measured at the adjoining existing non-participating landowner's property line, except that the noise limit may be exceeded during short-term events such as utility outages and/or storms.
 - [2] Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (A WEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.
- (j) Shadow flicker.
 - [1] A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
 - [2] A PWEF shall be designed in such a manner as to minimize shadow flicker on any roadway.
 - [3] The facility owner and/or operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating property.
- (k) A wind turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
- (l) The facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
- (m) The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.
- (n) A PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. A certificate of insurance shall be made available to the Township upon request.
- (o) The Township shall be notified in writing within 30 days of a change in: (1) PWEF

ownership, (2) PWEF operator and/or (3) owner of land upon which the PWEF is located, and the Township shall be provided with contact name(s), address(es), phone number(s), email addresses(es), and emergency contact information. The PWEF owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the project and shall provide this number and name to the Township.

- (p) The PWEF shall be designed and constructed so that ground leveling is limited to those areas needed for installation of PWEF land development improvements and related equipment so that the natural ground contour is preserved to the greatest extent practical. Such earth disturbances in conjunction with a site alteration or land development shall meet the applicable sections of this chapter, the Subdivision and Land Development Ordinance, and Stormwater Management Ordinance, as may be amended.
- (q) Woodlands and other vegetation shall be preserved to the maximum extent possible. Woodland and vegetation protection and replacement shall be in accordance with ~~the Subdivision and Land Development Ordinance~~ Article XI, Natural Resource Protection.
- (r) A PWEF shall not be constructed until all applicable building and zoning permits have been issued, all approvals have been secured and security has been provided for the installation of PWEF land development improvements and decommissioning. Before any construction can commence on any PWEF, the property owner must acknowledge that they are the responsible party for owning and maintaining the facility. Prior to issuance of a certificate of occupancy and operation of the PWEF, the PWEF owner and/or operator shall provide the Township with copies all applicable regulatory permits and approvals to operate the PWEF.
- (s) If a PWEF or any of its components are deemed to be a public safety hazard by a Code Enforcement Officer, Building Code Official, Township Engineer or consultant, or state or federal agency, the PWEF owner and/or operator, after written notice by any of the entities stated above, shall be responsible for making immediate repairs or removal of the condition causing such hazard. If the PWEF owner or operator fails to make immediate repairs or remove said conditions, Pocono Township shall have the option to pursue reasonable hazard mitigation measures at the PWEF owner's expense without further notice to the PWEF owner or operator.
- (t) An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be submitted to the Township not later than 30 days following each anniversary of the date on which the PWEF commenced operation. The inspection report shall certify the structure soundness, proper operation of the facility, consistency with the conditional use decision conditions, and consistency with the approved land development plan. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a conditional use decision.
- (u) Decommissioning of a PWEF or any of its individual wind turbines shall include the following, without limitation:

- [1] The PWEF owner and/or operator shall execute a Decommissioning Agreement, to be approved by the Township pending the review of the Township Solicitor, before the final plan is released by the Board of Supervisors and filed on record. Said agreement shall contain all terms and conditions for decommissioning requirements.
- [2] If a PWEF or any of its individual wind turbines have not been in operation for a period of six consecutive months, the PWEF owner or operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to re-establish operations or plans for decommissioning. The PWEF owner or operator shall notify the Township immediately upon cessation or abandonment of the operation. The PWEF or one or more of its individual wind turbines shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.
- [3] The PWEF owner and/or operator shall, at its expense, have six months from cessation or abandonment in which to dismantle and remove the PWEF and individual wind turbines, including all related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations and other associated facilities from the property, and shall re-vegetate disturbed earth back to its predevelopment condition in accordance with subsection (7), below.
- [4] **Engineer Decommissioning Costs.** An independent and certified Pennsylvania professional engineer shall be retained by the PWEF owner or operator to estimate the total cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to the Township after the first year of issuance of a certificate of occupancy and every 5th year thereafter.
- [5] **Decommissioning Financial Security.** The PWEF owner or operator, prior to the issuance of a zoning permit, shall provide financial security with the Township as payee in an amount approved by the Board of Commissioners, from a company and in a form and content acceptable to the Board of Commissioners, to insure decommissioning and re-vegetation as set forth herein. The security shall remain in place for as long as the PWEF exist at the site and until restoration of the site is satisfactorily completed. The PWEF owner or operator shall be responsible to have the financial security certificate holder describe the status of the bond or letter of credit in an annual report submitted to the Township. The financial security shall not be subject to revocation, reduction or termination unless and until approved by the Board of Commissioners based upon the Township Engineer's and Solicitor's recommendation that decommissioning and re-vegetation have been satisfactorily completed.
- [6] **Landowner Responsibility.** If the PWEF owner or operator fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this chapter shall become the responsibility of the landowner, and such landowner shall have six months to complete decommissioning and re-vegetation.
- [7] **Township Intervention.** If neither the PWEF owner or operator, nor the

landowner completes decommissioning and re-vegetation within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning and re-vegetation. The 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 and re-vegetation plan.

- [8] Decommissioning conditions of the zoning permit shall include, but not be limited to:
- [a] If the PWEF owner or operator ceases operation of the facility or any of its individual wind turbines, or begins, but does not complete, construction of the project or any of its individual wind turbines, the PWEF owner and/or operator shall restore the site to its condition prior to any disturbance related to the PWEF facility or individual wind turbines. The site shall be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - [i] Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade. Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.
 - [ii] Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - [iii] Removal of graveled areas and access roads.
 - [iv] Revegetation of restored soil areas with native seed mixes and native plant species suitable to the area.
 - [v] For any part of the PWEF project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land.
 - [vi] The plan shall provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - [vii] The plan shall include a schedule for completion of site restoration work.
 - w. The PWEF owner and/or operator shall repair, maintain and replace the facility and related equipment during the term of the facility's use in a manner consistent with industry standards as needed to keep the facility safe and in good repair and operating condition.
 - x. The following conditions, which may be amended by the Board of Commissioners, shall apply to a PWEF conditional use approval in addition to any other conditions

imposed by the Board of Commissioners in their conditional use decision:

- [1] The PWEF applicant, owner and/or operator shall resolve any outstanding comments of the Township Engineer's conditional use and/or land development review letters to the satisfaction of the Board of Commissioners prior to issuance of a certificate of occupancy and operation of the PWEF.
- [2] The PWEF owner and/or operator shall be responsible for repairs to improvements within Township rights-of-way caused by vehicular traffic generated to construct or decommission the PWEF and shall provide adequate security as determined by the Board of Commissioners for such improvement repairs.
- [3] The PWEF applicant, owner and/or operator shall install a Knox-type box on all access gates for emergency access by the Pocono Township Volunteer Fire Department and other emergency responders.
- [4] The PWEF applicant, owner and/or operator shall prepare a "schedule of maintenance" for review and recommendation by the Township Engineer and approval by the Board of Commissioners prior to issuance of a certificate of occupancy and operation of the PWEF. The "schedule of maintenance" shall include, but not be limited to, a detailed description of daily, weekly, monthly, annual and seasonal inspection and maintenance applicable to vegetation, stormwater facilities, PWEF related equipment and other improvements on the PWEF site.
- [5] Delivery of equipment to the PWEF site and construction activities on the PWEF site shall be limited to 7:00 a.m. through 7:00 p.m. on Mondays through Saturdays, except for emergency repairs which may occur as needed. There shall be no deliveries of equipment and construction activities on the PWEF site on Sundays and holidays, except for emergency repairs which may occur as needed. Deliveries and removal of equipment and truck traffic to and from the PWEF site during construction, operation and/or decommissioning shall be limited to the route(s), days and times approved by the Board of Commissioners.
- [6] PWEF related equipment and parts thereto not in active operation on the PWEF site shall be stored in an enclosed building and/or concealed within solid fencing no closer than the applicable setback for accessory buildings and/or structures in the underlying zoning district.
- [7] A failure to comply with any condition or requirement herein set forth shall constitute a violation of the said condition or requirement. Each day's continuation of a violation shall constitute a separate violation. All such violations shall be subject to the penalties set forth in §470-127.

ARTICLE V SUPPLEMENTARY REGULATIONS

§ 470-50. ~~Churches~~ **Places of worship** and related uses.

A. ~~Churches~~ **Places of worship** standards.

- (1) The subject tract shall front on and gain access from either an arterial, collector road, or a street that conforms to the prevailing arterial or collector street design and improvement requirements.
- (2) The minimum lot area shall be two acres, and the minimum lot width shall be 200 feet
- (3) The impervious coverage, yard area, and building height requirements of the applicable zoning district shall be maintained.
- (4) ~~Church-related residences~~ **Residences related to a place of worship** shall be accessory to, and located upon the same parcel as, the ~~church~~ **place of worship** and subject to all of the underlying zoning district's standards.

B. ~~Church~~ **Place of worship**-related educational or day-care standards.

- (1) All ~~church~~ **place of worship**-related educational or day-care facilities shall be accessory to, and located upon, the same parcel as a ~~house~~ **place** of worship.
- (2) **In addition to the standards of this § 470-50B, place of worship-related day-care facilities shall comply with the standards for a child day-care center in § 470-54**
- (3) If the ~~church~~ **place of worship**-related educational or day-care facility is offered below the college level, an outdoor play area shall be provided. Such facility shall include appropriate screening and buffering from adjacent land uses.
- (4) Outdoor play areas shall not be located within the front yard and must be set back a minimum of 50 feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four-foot high fence and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 p.m. and 8:00 a.m.; and all lighting of such areas shall not be used after 10:15 p.m.
- (5) Student and child "drop-off areas" shall be provided and designed to eliminate the need to cross traffic lanes on or adjacent to the site. Unless the applicant can demonstrate that the off-street parking associated with the ~~house~~ **place** of worship is sufficient for the church- related educational or day-care facility, one off-street parking space shall be provided for each employee, plus one for each eight students 16 years of age or older, plus one for each classroom, plus one for each office. "Enrollment" shall be defined as the largest number of students and/or children (or adults) under day-care supervision at any one time during a seven-day period.

C. ~~Church~~ **Place of worship**-related recreation standards.

- (1) All ~~church~~ **place of worship**-related recreational facilities shall be accessory to, and be

located upon, the same parcel as a **house-place** of worship.

- (2) **Church-Place of worship**-related recreational facilities shall be set back 50 feet from all property lines and street rights-of-way.
- (3) Outdoor play areas for individuals shall be completely enclosed by a minimum four-foot high fence, and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 p.m. and 8:00 a.m.
- (4) All lighting of outdoor facilities shall be designed and located in accordance with current Illumination Engineering Society of North America (IESNA) footcandle lighting standards so as to not produce a glare or direct illumination onto abutting properties and streets. Such lighting shall not be used after 10:15 p.m.
- (5) Unless the applicant can demonstrate that the off-street parking associated with the **house-place** of worship is sufficient for the church-related recreational facility, one off-street parking space shall be provided for every three estimated users of the facility.

§ 470-53 Customary accessory uses.

Includes uses customarily accessory to the principal use of a lot permitted in the district and essential services **categorized as “limited facilities”** provided by public utilities. Accessory uses which are customarily subordinate to the principal use of a lot or a building located on the same lot and which serve a purpose customarily incidental to the use of the principal dwelling or lot shall be permitted in each district. Such uses include home gardening, but not the keeping of livestock, poultry or fowl unless the livestock, poultry or fowl are accessory uses to a permitted or nonconforming agricultural use, private garages or parking areas, signs, off-street parking and loading, temporary tract offices, unoccupied travel trailers and buildings and other uses customarily appurtenant to other permitted, special exception or conditional uses. Domestic animals kept as pets shall be permitted when such animals are owned by the occupants of the property in which they are kept and the animals are kept in accordance with public health, safety, welfare and nuisance regulations based upon the types of animals and the manner in which they are kept.

§ 470-54 Day-care facilities.

Day Care DEFINITIONS:

Definitions
to be placed
in Article II,
Terminology

Family Child Care Home - A home other than the child’s own home, operated for profit or not-for-profit, in which child care is provided at any one time to four, five or six children who are 15 years of age or younger and who are unrelated to the operator of the facility.

Group Child Care Home - The premises in which care is provided at one time for 7-15 older school-age children (attends the 4th grade through age 15) or 7-12 children of another age level (15 years of age or younger) who are not related to the operator. The term includes a facility located in a residence or other premises.

Child Care Center - A facility where seven or more children who are not related to the child care operator receive care.

Older Adult Daily Living Center—A premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for four or more clients who are not relatives of the operator for part of a 24-hour day.

Adult Training Facility—A building or portion of a building in which services are provided to four or more individuals, who are 59 years of age or younger and who do not have a dementia-related disease as a primary diagnosis, for part of a 24-hour day, excluding care provided by relatives. Services include the provision of functional activities, assistance in meeting personal needs and assistance in performing basic daily activities.

- A. All day-care facilities shall comply with all specifications, standards and licenses which are required by Pocono Township, the Pennsylvania Department of Human Services or other agencies having jurisdiction.
- B. Except for a sign and the play area referenced in Subsections D and E below, there shall be no external evidence of any general activity.
- C. Any such use shall have sufficient parking to serve the anticipated numbers of users and employees as specified in § 470-34 and shall have suitable street access without causing excessive traffic on local residential streets.
- ~~D. All such buildings shall have a minimum lot size, minimum yards, maximum building heights and maximum impervious coverage regulations for the district in which they are located.~~
- ~~E. If the day care facility is offered for children below the high school level, an outdoor play area shall be provided. Such facility shall include appropriate screening and buffering from adjacent land uses.~~
- F. Outdoor play areas shall not be located within the front yard and must be set back a minimum of 50 feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four-foot high fence and screened from adjoining property. Outdoor play areas shall only be used during normal hours of operation and not utilized between 10:00 p.m. and 8:00 a.m.; and all lighting of such areas shall not be used after 10:15 p.m.
- G. Dropoff areas shall be provided and designed to eliminate the need to cross traffic lanes on or adjacent to the site.
- H. **Family child-care homes shall be subject to the following requirements:**
 - (1) **Family child-care services shall be permitted only within a single-family dwelling unit meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.**

(2) An outdoor play area shall be provided and have sufficient size to accommodate at least four children and up to six children at once as applicable based on the minimum and maximum number of children to be served as defined in Article II.

(3) In addition to state requirements related to unsafe area in outdoor space, all designated internal and external areas for the family day-care facility shall be physically separated a minimum of 100-feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets and other areas that may be considered hazardous to children.

I. Group child-care homes shall be subject to the following requirements:

(1) A group child-care home shall be permitted within an approved building deemed appropriate by the Board of Commissioners, meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.

(2) The group child-care home shall be serviced by public sewage facilities and public water supply facilities.

(3) An outdoor play area shall be provided and shall have sufficient size to accommodate at least 7 children and up to 12 to 15 children at once as applicable based on the minimum and maximum number of children to be served as defined in Article II.

(4) In addition to state requirements related to unsafe area in outdoor space, all designated internal and external areas for the group child-care home shall be physically separated a minimum of 100-feet from any natural or man-made hazard, including swimming pools, stormwater detention facilities, surface waters, machinery, electric generating and transmitting equipment, streets and other areas that may be considered hazardous to children.

J. Child-care centers shall be subject to the following requirements:

(1) Child day-care centers shall be permitted within an approved commercial facility, educational facility, church or religious facility, hospital or medical facility, municipal facility, health care facility or other institutional use deemed appropriate by the Board of Commissioners, meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.

(2) The child-care center shall be serviced by public sewage facilities and public water supply facilities.

(3) An outdoor play area shall be provided and shall have sufficient size to accommodate all of the children to be served by the facility at once.

(4) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pickup and dropoff area measuring 10 feet in width and 60 feet in length shall be designated and maintained for the discharge and collection of children. The designated pickup and dropoff area shall be marked by signs and physically removed from any required parking area, loading area, fire lane and all points for vehicular access providing ingress and egress to the facility.

K. Older adult daily living centers and adult training facilities shall be subject to the following requirements:

(1) Older adult daily living centers and adult training facilities shall be permitted within an approved commercial facility, educational facility, church or religious facility, hospital or medical facility, municipal facility, health care facility or other institutional use deemed appropriate by the Board of Commissioners, meeting the dimensional requirements established for the zoning district in which it is located and all state-mandated indoor and outdoor space and other requirements.

(2) All permitted facilities shall be licensed and/or approved by the Commonwealth of Pennsylvania.

(3) The facility shall be serviced by public sewage facilities and public water supply facilities.

(4) All outdoor facilities shall be located within the rear yard of the property and be properly secured and screened from adjoining properties.

(5) The facility shall not be utilized as a permanent or temporary residence by the adults requiring care and/or employees.

(6) The applicant shall provide sufficient evidence to the Board of Commissioners indicating that adequate security measures shall be implemented and installed at the facility to ensure the security of the adults being served, as well as the security of the residents within the neighboring properties.

(7) In addition to the number of off-street parking spaces required for the principal and secondary use of the facility, an off-street pickup and dropoff area measuring 10 feet in width and 60 feet in length shall be designated and maintained for the discharge and collection of adults. The designated pickup and dropoff area shall be marked by signs and physically removed from any required parking area, loading area, fire lane and all points for vehicular access providing ingress and egress to the facility.

§ 470-58. Forestry.

A. For all timber harvesting within Pocono Township when the total harvesting area is two acres or more in the aggregate, the following shall apply: Forestry activities shall comply

with Chapter 400, Timber Harvesting, and all other applicable Chapters of the Pocono Township Code.

- (1) Forestry operations shall be accomplished in such a way as to:
 - (a) Promote good forest stewardship;
 - (b) Protect the rights of adjoining property owners;
 - (c) Minimize the potential for adverse environmental impacts; and
 - (d) Avoid unreasonable and unnecessary restrictions on the right to practice forestry.
 - (2) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the thoroughfare.
 - (3) No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
 - (4) All tops and slash between 25 feet and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.
 - (5) Logging may occur between 7:00 a.m. and 7:00 p.m. prevailing time, but not on Sundays and legal holidays.
 - (6) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 - (7) Because streams are an important natural resource which need special protection, logging within 75 feet of each side of all streams is prohibited unless all of the following conditions are met:
 - (a) The basal area of trees in that area within the seventy five foot zone shall not be reduced below 50% of the basal area present before cutting.
 - (b) Trees to be cut within the seventy five foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.
 - (c) A wetland study has been performed by an individual qualified to do so.
- B.** Requirements of all applicable state and federal laws and regulations shall be addressed prior to any timber harvesting. All permits required for timber harvesting shall be obtained as described in Article IX of this chapter.
- C.** These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.

§ 470-59 Gaming and off-track betting establishments.

~~L. All gaming and off track betting establishments shall comply with the minimum lot area, height, impervious coverage and yard requirements, for uses in the C Zoning District.~~

§ 470-60 Governmental, municipal and educational uses.

Governmental, municipal, and educational uses include federal, state, and county and municipal buildings and uses, schools, colleges and other educational institutions.

A. Governmental, municipal, and educational uses are subject to the requirements of the district in which they are located. Consideration shall be given to parking and traffic problems. (See definition of and regulations for "regional impact developments.") If the nature of the building or use is such that it will generate a high volume of traffic, then the subject tract shall front on and gain access from an arterial, connector, or collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial, connector or collector street design and improvement requirements.

B. The following items shall apply to public and private schools specifically:

- (1) All height, area, setback, and coverage standards within the applicable zoning district shall apply.
- (2) All off-street parking facilities shall be set back at least 25 feet from adjoining property lines and screened ~~from adjoining properties~~ by means of fences and/or plantings, in accordance with the landscape requirements of Chapter 390, Subdivision and Land Development.
- (3) All structures shall be set back at least 100 feet from the boundary line of any adjoining ~~land~~ within a residential zone.
- (4) Any outdoor recreation areas shall be screened from adjoining residentially used or residentially zoned properties by means of fences or plantings in accordance with Chapter 390, Subdivision and Land Development.
- (5) All property lines adjacent to existing residential land uses shall be adequately screened and buffered so as to protect the residential neighborhood from inappropriate noise, light and other disturbances in accordance with Chapter 390, Subdivision and Land Development.
- (6) Passenger dropoff and pickup areas shall be provided and designed so that there is no cross-traffic pedestrian circulation and so that the may be utilized without interfering with interior or exterior traffic circulation.
- (7) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, verminproof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area

shall be permitted within 50 feet from any lot line of a nonresidential use and 100 feet from any lot line of a residential use.

§ 470-63 Home occupations.

~~A use conducted for gain within a dwelling by the residents thereof, which use is clearly incidental and secondary to the use for dwelling purposes, does not change its character and which complies with the following:~~

A. For the purposes of this Code, home occupations shall include the following two categories:

- (1) 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), pickup, delivery or removal functions to or from the premises in excess of those normally associated with a residential use.
- (2) Major home occupation. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to a single-family residential dwelling and which involves some customer, client or patient traffic (whether vehicular or pedestrian), pickup, meeting location, delivery or removal functions to or from the premises in excess of those normally associated with a residential use.

B. No-impact home-based businesses shall be permitted subject to the following requirements:

- (1) The home occupation shall be conducted within an approved residential dwelling unit which complies with the minimum and maximum dimensional requirements of the zoning district to which the use is located.
- (2) The home occupation shall be conducted only within the dwelling and may not occupy more than 25% of the gross floor area of the residential dwelling unit.
- (3) The home occupation shall include only lawful uses which shall be clearly secondary to the residential use and shall be compatible with surrounding residential uses.
- (4) The home occupation shall employ no employees other than family members residing in the dwelling.
- (5) There shall be no visual display or sale of retail goods.
- (6) There shall be no stockpiling, storage or inventory of products of a substantial nature.
- (7) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(8) The home occupation may not use any equipment or process which creates noise, vibration, glare, fumes, odors, electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

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

C. Major home occupations shall be permitted subject to the following requirements:

- (1) The use shall not exceed 25% of the combined gross floor area of the dwelling and permitted accessory structures or 500 square feet, whichever is less.
- (2) The person conducting the home occupation must be a resident of the dwelling.
- (3) Home occupations shall only be permitted in single-family dwellings and permitted accessory structures.
- (4) No more than one home occupation is permitted per resident per dwelling, provided that all home occupations conducted on the premises, in the aggregate, shall not exceed the area limitations set forth in Subsection A C(1) above.
- (5) No more than two nonresident employees in the aggregate for all home occupations conducted at the premises shall be permitted.
- (6) The home occupation shall not require the delivery of goods or materials by trucks larger than a single-unit truck (SU) design vehicle as defined in A Policy on Geometric Design of Highways and Streets, latest revision, American Association of State of Highway and Transportation Officials (AASHTO).
- (7) The home occupation shall not require or involve regular visitation from customers, clients, salespersons, vendors, subcontractors, etc. For purposes of this provision, visitation by more than three customers, clients, salespersons, vendors, subcontractors, etc., per hour or more than 15 customers, clients, salespersons, vendors, subcontractors, etc., in the aggregate per twenty-four-hour period shall constitute regular visitation.
- (8) No equipment, materials or appurtenances related to the home occupation shall be stored or displayed outdoors. Storage area shall constitute a part of and be included in the calculation of the permitted home occupation aggregate area.
- (9) No materials or merchandise shall be visible at or beyond the property lines. No equipment associated with the home occupation shall be visible from the exterior of the dwelling.
- (10) No indication of the home occupation shall be visible other than one two-sided sign no larger than two square feet. The sign must conform to the requirements of this chapter.

- (11) The exterior appearance of the premises shall be constructed and maintained as a residential dwelling.
- (12) No discharge is permitted into a reservoir, sewer, storm drainage system, stream, open body of water or ground of any materials in such a way or of such a nature or temperature that could contaminate any water supply or damage or be detrimental to any sewer system, septic system or sewage treatment facility or otherwise cause the emission of dangerous elements.
- (13) No equipment or process shall be used in such home occupation that creates vibration, glare, fumes, odors or electrical interference detectable off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver or cause fluctuations in line voltage off the lot.
- (14) A Pocono Township zoning permit is required for all **major** home occupations. Applications for a zoning permit shall be made to the Pocono Township Zoning Officer pursuant to § 470-121 of Article IX of this chapter, on forms provided by Pocono Township. If application is approved and a zoning permit issued, the applicant agrees to allow inspections, as required by the Zoning Officer, to verify that the home occupation use is in compliance with this chapter and the zoning permit issued.

§ 470-65 Keeping of equine animals.

Forthcoming...

§ 470-66 Keeping of wild or exotic animals.

Where permitted by this Chapter, wild or exotic animals held in captivity shall be limited to lots ~~located in the Commercial District~~, with a minimum lot area of three acres or greater, and shall be subject to the following additional requirements:

- A. The number of such animals shall not exceed the equivalent of one animal unit per acre.
- B. Said animals shall be maintained only within the rear yard area.
- C. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.
- D. Such fence or other form of enclosure shall be at least 50 feet from any lot line and not closer than 100 feet to the nearest dwelling other than that of the owner.
- E. The owner of such animals shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

- F. All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Pennsylvania Game Commission and other applicable agencies.

§ 470-67 **Kennels and Animal Shelters (including nonprofit kennels and animal shelters).**

- A. The minimum lot area requirement shall be two acres.
- B. Animal **shelter and** boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, or runways also shall comply in all respects with the yard requirements of this chapter for the principal building, except that they shall be located no closer to the front lot line than the rear wall of the principal building, ~~and they may be located in the rear yard if located at least 10 feet from any lot line.~~
- C. Animal **shelter and** boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of 100 feet from all property lines.
- D. Outdoor running areas shall be fenced in a manner that restricts access and provides for a full enclosure. ~~All enclosures shall be a minimum of 50 feet from all property lines.~~
- E. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height fully encircling all kennel areas or animal exercise areas not enclosed in a building shall be provided.
- F. All animal wastes shall be regularly removed and disposed from the premises at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. All animal wastes shall be stored in water-tight containers in an area meeting the setback in §470-67C until disposed of and proof of such disposal shall be provided to the Township upon request.
- G. The owner/operator of the kennel **or animal shelter** shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

§ 470-69 **Light manufacturing.**

All the activity shall be carried on in an enclosed building, except for off-street parking and loading facilities and incidental storage. ~~Light manufacturing uses include the manufacture of food products, grain processing and milling, the fabrication, processing, assembling, repairing, testing, packing and/or storing of any type of product made from previously prepared materials such as cloth, plastic, food, paper, glass, leather, metals, stones, electronic components and other materials; provided, however, that except for the storing, milling and processing of grain, the processing of raw materials is not permitted nor is the storage of junk or the production of fish or meat products, sauerkraut, vinegar or the like or the rendering of fats and oils.~~

§ 470-70 Mineral recovery.

Forthcoming...

§ 470-72 Nursing homes, assisted living residences, and personal care homes.

- A. Minimum lot area. Two acres or 800 square feet per patient bed, whichever is greater.
- B. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be utilized.
- C. Off-street parking lots and loading areas shall be screened from adjoining residentially zoned lands.
- D. At least 5% of required parking spaces shall be designed for handicapped persons as prescribed in § 470-34 of this chapter.
- E. A minimum of one outdoor sitting area per building shall be provided. The sitting area shall be landscaped and shall not be located adjacent to parking lots, detention basins, or collector or arterial roads unless adequate screening is provided. Sitting areas shall not be located on slopes of over 5% grade.
- F. An emergency management plan shall be developed in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The emergency management plan shall be submitted to the Pocono Township Emergency Management Coordinator for review and consideration prior to the issuance of the use and occupancy permit.
- G. The facility shall obtain all applicable state and federal permits, licenses, and certificates, as applicable.

§ 470-74 Professional offices, medical/dental clinics, banks and similar financial institutions, and retail sales.

- A. The subject tract shall front on and gain access from either an arterial, connector, collector road as identified in the Official Roadway Classification List available at the Township Building, or a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
- B. The applicant shall demonstrate that access to and the design of the parking facilities shall not create vehicle backups onto existing abutting streets.
- C. The maximum building coverage shall be no greater than 40%.
- D. The maximum impervious coverage shall be no greater than 70%.

These are set by the zoning district standards

- E. The minimum landscaped area shall be no less than 30%.
- F. Off-street parking shall not be permitted within 10 feet of any property line and/or right-of-way.

§ 470-75 Recreation facilities.

Forthcoming...

§ 470-80. Salvage yards or Junkyards.

- A. The minimum lot area requirement shall be five acres.
- B. The outdoor junk storage area shall be completely enclosed by a minimum eight-foot high sight-prohibitive fence ~~which shall be set back not less than 50 feet from all property lines.~~ All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.
- C. All buildings used to store junk shall be wholly enclosed and set back at least 50 feet from all property lines. The fence enclosing any junkyard and any buildings and structures associated with the junk yard shall be located not less than 50 feet from any property line, 50 feet from any public road right-of-way, and not less than 200 feet from any adjoining zoning district. The setback area between the fence and property line shall be kept free of refuse and debris.
- D. No salvage material shall be stored so as to be visible over the sight prohibitive fence from the property line and/or right-of-way line.
- E. Screening shall be required when the proposed use is located adjacent to a nonindustrial use or nonindustrial district. Natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, and/or planted berms may be used to effect the required screening to the satisfaction of the Township. All screening shall be maintained in such fashion as to continue to provide the required screening.
- F. Any junkyard located adjacent to a highway shall comply with all regulations of the Federal Highway Administration and shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania, as applicable.
- G. All additional federal and state laws shall be complied with.
- H. ~~The setback area between the fence and property line shall be kept free of refuse and debris.~~
- I. All junk shall be stored or arranged ~~to permit reasonable access by firefighting equipment and~~ to prevent the accumulation of water. Stormwater shall be drained in a manner that does not result in chemical residues being discharged from the site.
- J. Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. No material shall be burned at any time.
- L. No ~~junkyard~~ salvage yard shall be located on lands with an average slope of greater than 5%

nor within 150 feet of any body of water, stream, or wetland.

M. A certificate of use shall be issued for a period of one year, and shall be subject to annual renewal.

N. The area used for a junkyard shall not be used as a dump area for any solid or liquid wastewater.

O. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this chapter, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak- proof containers at a central location on the premises.

P. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this chapter, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one (1) sample shall be taken from the stream at a point upstream of the junkyard drainage area and one (1) sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three (3) months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with PA DEP requirements.

Q. Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this chapter. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.

R. Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.

S. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.

T. It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated to comply with this chapter and to provide for the removal of any junk and

remediation of any environmental problems associated with any junk

§470-87 Lumberyards and coal yards; building material storage yards; contractors' equipment and storage yards.

A. The subject tract shall front on and gain access from an arterial, collector, or connector road as identified in the Official Roadway Classification List available at the Township Building.

B. Access to Public Roads.

(1) Access roads to Township and State roads shall be in accordance with a valid highway occupancy permit.

(2) The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

(3) All operations shall comply with all posted weight limits and road bonding regulations.

(4) The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Township road bonding requirements.

C. Contractor yards shall comply with the following minimum setbacks, except that if a more restrictive setback is required for the zoning district in which the use is located, the more restrictive standard shall apply.

(1) Contractor yards shall not be less than three hundred (300) feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.

(2) Contractor yards shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.

(3) Contractor yards shall not be less than fifty (50) feet from any public road right-of-way.

(4) Contractor yards shall not be less than 150 feet from any stream, water body or wetland.

D. Contractor yards shall be located on slopes of less than eight (8) percent. Low spots and poorly drained places shall be avoided.

§ 470-87.2 Convenience stores and mini markets.

A. All convenience stores or mini markets shall be designed in accordance with § 470-84, Vehicle Fueling Stations, and the following:

(1) The convenience store or mini market shall contain a minimum gross floor area of not

- less than 4,000 square feet and a maximum gross floor area of not more than 10,000 square feet, exclusive of any area of such lot being used for gasoline pump dispensers and the canopy over such dispensers. Accessory buildings shall not be permitted.
- (2) The maximum number of fueling pumps and fueling positions (one pump serves two fueling positions only) shall be eight pumps and 16 fueling positions, subject to the power of the Board of Commissioners to reduce the designated number of pumps as part of the conditional use application if, in the Board's evaluation of the applicant's traffic study, it determines that safe and convenient vehicular circulation cannot be accommodated on the site..
 - (3) Unless otherwise approved by the Board of Commissioners, the canopy covering the fuel pumps shall not exceed 20 feet from ground level at its highest point and shall be of a peak-roof design. The Board of Commissioners may permit a greater canopy height if the design of the canopy is considered an architectural enhancement.
 - (4) The canopy shall not exceed in area (as measured in square feet) the gross floor area of the convenience store or mini market building. However, the canopy shall not exceed in total area 7,000 square feet.
 - (5) The applicant shall present architectural renderings of the proposed facade of the convenience store building at the conditional use hearings.
 - (6) The following provisions for exterior lighting shall apply to all proposed convenience stores or mini markets:
 - (a) All gasoline pump dispensers shall be covered by a canopy and shall be illuminated by overhead lighting during non-daylight hours. Canopy lighting shall be located on the undersurface (ceiling) of the canopy and shall be limited to flush lens fixtures mounted on the canopy ceiling. Drop lens fixtures are prohibited. Outdoor canopies include, but are not limited to, fuel island canopies associated with service stations and convenience stores and exterior canopies above storefronts. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Canopy lighting over fuel dispensing positions shall not exceed an average of 35.0 maintained footcandles.
 - (b) Lighting for parking areas shall provide an illumination level utilizing currently recommended standards of the Illuminating Engineering Society of North America, unless a more stringent standard is imposed as a condition of a conditional use approval granted by the Board of Commissioners under the circumstances of each application. Exterior lighting of the building is precluded, except as determined necessary by the Board for security. The Board of Commissioners may preclude any exterior lighting that in its judgment adversely affects adjoining properties.
 - (c) In no case shall illumination exceed 0.5 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is ordered by the Board under the circumstances of each application.
 - (d) All ingress and egress to and from the lot shall be designed to promote safe and

convenient access, as finally approved by the Pocono Township Engineer and Zoning Officer.

- (e) The internal vehicular circulation pattern of any lot upon which a convenience store with gasoline sales is proposed shall be designed so as to prevent vehicles waiting for such gasoline service from stacking onto public streets. In addition to the required minimum parking spaces, there shall be a minimum of one vehicular stacking space for each fueling position.
- (f) The applicant shall submit a traffic study with the conditional use application demonstrating the adequacy of existing or proposed streets to accommodate any increase in traffic from the proposed use and the adequacy of the proposed vehicular interior circulation on the lot.
- (g) Vehicle fuel pump dispensers for the fueling of cars and small trucks and electric vehicle charging stations shall be permitted. Designated and designed tractor trailer and truck pump islands are prohibited.
- (h) Equipment intended to be utilized for the inflation of motor vehicle tires shall be permitted. One parking space shall be provided adjacent to and for the exclusive use of the tire-inflation apparatus, which shall not interfere with ingress and egress to and from the lot.
- (i) The outdoor display of products or retail items shall be prohibited.

§ 470-87.?. Crematorium.

- A. The applicant shall secure all necessary permits from the PA DEP and any other state or federal agencies having jurisdiction, and shall provide the Township with evidence of such permit approval(s).
- B. A crematorium shall be setback a minimum of 250 feet from all residential lot lines and the boundary lines of all residential zoning districts.