

## ARTICLE 5 – SUPPLEMENTARY REGULATIONS

### **501 Non-conforming Uses:**

The following provisions shall apply to all non-conforming uses and structures:

- 501.1** Any non-conforming use of land or structure legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance is a legal non-conforming use. Such use may be continued, but may not be extended, expanded or changed unless to a conforming use, except in accordance with the provisions of this Ordinance and providing the addition meets setback requirements.
- 501.2** Any structure designed or converted for a non-conforming use damaged by fire, flood, explosion or other such casualty may be reconstructed as before, if such reconstruction is performed within 12 (twelve) months of such casualty and if the restored structure covers no greater area and contains no greater cubic content than before such casualty.
- 501.3** The non-conforming use of a building may be extended throughout those parts hereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A non-conforming building or structure may be extended or enlarged to a maximum of 25% of the structure's dimensions at the time of enactment of this Ordinance, but must meet minimum lot and yard requirements of the district in which the structure is located and must meet the off-street parking and loading requirements of this Ordinance.
- 501.4** A non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.
- 501.5** A structure that has been razed shall not be reconstructed for a use that does not conform to the provisions of this Ordinance.
- 501.6** Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- 501.7** Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.
- 501.8** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this article shall also apply to any uses, which thereby become non-conforming.
- 501.9** If any non-conforming use of land ceases for a continuous period exceeding one (1) year, any subsequent use of the land shall be in conformity to the regulations specified by this Ordinance for the district in which said land is located.

### **502 Existing Lots Of Record:**

Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth

hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board, which may require replotting to fewer lots which would comply with the minimum requirements of this Ordinance.

**503 Application of Yard Regulations:**

- 503.1** Lots, which abut on more than one street, shall provide the required front yards along every street.
- 503.2** Unless specifically excluded, all structures, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard.
- 503.3** A wall or fence under six (6) feet in height, or higher if a retaining wall, and paved terraces without walls, roofs or other enclosure, may be erected within the limits of any yard. For purposes of public safety, such a structure shall not project into the public right of way.
- 503.4** For purposes of public safety, proper sight lines shall be maintained at all street intersections. Measured along the centerline, there shall be a clear sight triangle of seventy-five (75) feet from the point of intersection. No structure or obstruction such as fence, wall, hedge or other planting over two and one half (2 ½ ) feet above grade level shall be erected or planted in said clear sight triangle. Existing trees and shrubs shall be maintained to ensure sight lines or shall be removed.
- 503.5** Non-residential buildings hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the residential districts, than the distance specified in the chart of setbacks, except that off-street parking spaces and access drives for non-residential uses shall not be located within 20 (twenty) feet of the side or rear lot lines.
- 503.6** Exceptions to Yard Requirements: The following may project into required yards and may be constructed without permit:
  - (a) Steps or stoops not exceeding twenty-four (24) square feet in area;
  - (b) Eaves, cornices and belt corners not exceeding two feet;
  - (c) Open fire escapes not exceeding four feet, six inches.
  - (d) One portable building not exceeding 144 square feet used for storage may be located within rear and side yards provided the building is located no closer to the side and rear lot lines than its total height.
  - (e) Handicap access ramp constructed to mitigate any projection into a minimum yard.
  - (f) Roadside Stands

**504 Temporary and Accessory Structures:**

- 504.1** All dwelling units, including manufactured homes or any additions to a dwelling unit shall be constructed upon a permanent foundation as defined in the

requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof

- 504.2** No accessory building shall be constructed upon a lot until construction of the principal building has actually commenced and, except as provided elsewhere in this Ordinance, no accessory building shall be used for living space.
- 504.3** A private garage or accessory building separate from a principal use shall be permitted as an accessory use provided that front, side and rear yards at least equal to those required for the principal use on the same lot shall be provided, unless other setback distances are specifically identified in this ordinance; and no repair facilities are maintained and no repairs excepting those of a minor nature are made.
- 504.4** Temporary structures, residential and non-residential, whether anchored or on skids, wheels or movable platforms, used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary residential structures may be issued by the zoning officer for a one- (1) year period. Any extension thereof shall, at the option of the Zoning Officer, be referred to the Zoning Hearing Board.
- (a) Manufactured Homes having a habitable floor area under eight hundred (800) square feet will be considered temporary single family dwellings when used as housing during construction of an approved single family dwelling.
- (b) The Zoning Officer may waive setback requirements for temporary structures, provided the structure does not interfere with highway horizontal sight distances.
- 504.5** Manufactured homes, travel trailers, pick-up coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:
- (a) Manufactured homes may be parked or stored only in Business Zone Commercial Sales Lots.
- (b) A single camper or recreational vehicle may be temporarily occupied or used for living or housekeeping purposes on a parcel located in Residential, Business, and Agricultural Districts to a maximum of six (6) months in any one calendar year. No permit shall be required.
- 504.6** Tractor trailer box units and covered and completely enclosed other trailer units, but excluding buses, manufactured homes, and recreational equipment which may not be used as storage facilities, may be used only as storage facilities and shall be permitted as accessory structures in Agriculture, Business, and Industrial zones provided the following conditions are met:
- (a) The unit shall meet all setbacks of the district.
- (b) The unit's signage shall be removed.
- (c) The unit shall be kept in good repair.

**505** **Height Limitation:**

- 505.1** Building height in excess of the height above average ground level allowed in any district may be permitted, provided all minimum front, side and rear yard depths are increased 1 (one) foot for each additional foot of height.

**505.2** The following structures are exempt from height limitations, provided they are no closer to a lot line than its total height, and do not constitute a hazard to an established airport: Stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles, and silos.

**505.3** Visibility at intersections shall comply with section 503.4

**505.4** The Wayne Township Airport Zoning Ordinance and Height Limitation and Zoning District Map in its latest revision shall be incorporated and made part of Wayne Township’s Comprehensive Zoning Regulation and shall be administered and enforced in connection therewith.

**506 Off-Street Loading and Parking:**

Off –street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing use is enlarged. Where the use of a premise is not specifically mentioned, requirements for similar uses shall apply.

**506.1 Off-Street Loading:**

Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the table below:

**OFF STREET LOADING SPACE REQUIREMENTS**

<b><u>USES</u></b>	<b><u>SQUARE FEET OF FLOOR AREA</u></b>	<b><u>REQUIRED OFF-STREET LOADING BERTHS</u></b>
Schools	15,000 or more	1
Undertakers and Funeral Parlors	For each 5,000 or major fraction thereof	1
Hotels and Offices	10,000 – more	1
Commercial	10,000 –25,000	1
Wholesale Manufacturing and Storage	25,001 – 40,000	2
	40,001 – 60,000	3
	60,001 – 100,000	4
	For each additional 50,000	1 additional

Each loading space shall not be less than 12 (twelve) feet in width, 55 (fifty-five) feet in length and 14 (fourteen) feet in height. The following standards shall apply for off-street loading:

- (a) No loading dock shall be located within 200 (two hundred) feet of a residential or other differently zoned district.
- (b) Loading docks shall be prohibited along street frontages in order to prevent traffic congestion.
- (c) All truck loading docks shall be designed so that trucks need not back in nor out, nor park in the public right-of-way.

**506.2 Off Street Parking:**

- (a) **Size and Access:** Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet, nine (9) feet in width and twenty (20) feet in length exclusive of access drives or aisles, and be in usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three spaces and shall be designed and constructed to provide sufficient turn-around area to allow vehicles to exit via designated driveways. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not exceed twenty feet in width. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley. The minimum distance between driveways serving the same parking lot shall not be less than thirty feet.
- (b) **Number of Parking Spaces Required:** The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned requirements for similar uses shall apply.
- (c) **Shared Parking:** When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. When it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board may reduce the total parking spaces required as a variance.
- (d) **Reduction of Parking Spaces:** the Zoning Hearing Board may authorize the reduction of the number and size of the off-street parking spaces as a variance in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land. In such cases, land banking of spaces should be provided.
- (e) **Land Banking of Spaces:** Parking spaces can be land banked with the following conditions:
  - 1) Proof that the required number of spaces is more than what is needed;
  - 2) The spaces must be denoted as land banked;
  - 3) The Board of Supervisors has authority to require that the said spaces be constructed in the future if the Board determines them to be needed.

**OFF STREET PARKING SPACE REQUIREMENTS**

<b><u>USES</u></b>	<b><u>REQUIRED PARKING SPACE</u></b>
Auto manufactured Sales and Service Garages	1 for each 400 sq. feet of net floor area
Banks or Professional Offices	1 for each 200 sq. feet of net floor area
Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Bowling Alleys	7.5 for each alley
Car wash	5 for each wash lane
Community Buildings and Social Halls	1 for each 75 sq. feet of net floor area
Beauty Parlors and Barber Shops	1.5 for each chair
Driving Ranges and Miniature Golf	1 for each tee
Dwellings and Manufactured Home Parks	2 for each family or dwelling unit Including space in garage
Food Supermarkets	1 for each 100 sq. feet of net floor area

Funeral Homes and Mortuaries	5 for each parlor
Furniture or Appliance Stores	1 for each 200 sq. feet of net floor area
Gas, Oil Drilling, Production	2 for each well
Hospitals, Nursing or Convalescent Homes	1 for each 2 beds
Hotels and Motels	1 for each living or sleeping unit
Indoor/Outdoor Recreation (not otherwise calculated specified)	1 per each 2 potential customer at maximum utilization plus 1/employee
Manufacturing or Bottling Plants, Research Or Testing Laboratories	1 for each 500 sq. feet of net floor area
Medical or Dental Offices	5 for each doctor or dentist
Restaurants, Taverns and Night Clubs	1 for each 2.5 seats
Retail Stores and Shops	1 for each 200 sq. feet of net floor area
Rooming Houses and Dormitories	1 for each bedroom
Service Stations	3 for each service bay
Sports Arenas, Auditoriums, Theaters and Entertainment Facilities	1 for each 3.5 seats
Manufactured Home or Monument Sales And Supply Yards	1 for each 2,500 sq. feet of lot area
Wholesale Establishments or Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area

(c) Location of Parking Areas: Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit Parking spaces to be located not more than 400 (four hundred) feet distant from the lot of the principal use if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

**506.3 Minimum Distances and Setbacks:**

No off-street loading or parking area for more than 5 (five) vehicles shall be closer than 20 (twenty) feet of any adjoining property containing a dwelling, school, hospital or similar institution and in accordance with Article 503.5 of this Ordinance.

**506.4 Surfacing:**

With the exception of single family dwellings, the alignment and gradient of all parking and loading areas and access drives shall be properly adapted to topography, to the safe movement of the types of traffic anticipated, and to adequately control surface and ground water. Surfacing and maintenance shall provide a sound all-weather driving surface, reasonably smooth and free from mud, dust or standing water.

**506.5 Lighting:**

Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises of any residential district.

**506.6 Drive-in Facilities:**

Any establishment, which has drive-in facilities, as defined in this ordinance, shall, in addition to the spaces required by Section 506.2, provide lane spaces between the service structure and the public right-of-way as designated below. A lane space shall be one

vehicle in width and twenty-two feet long. The vehicle position at the pump island, service window, wash bay, service booth, or other service structure, may be counted as one lane space.

Drive-in Theaters: Eight lane spaces per each ticket window.

Service Station: Three lane spaces per each side of a pump island.

Banks: Seven lane spaces per service window.

Car Wash Facilities: Eight lane spaces per wash bay.

Other Facilities: Four lane spaces per service window or other service structure.

## **507 Manufactured Home:**

**507.1** Individual manufactured homes, house trailers or similar structures that are or have been designated for mobility shall not be used as dwelling units in any district within the municipality, except in duly approved parks as hereinafter provided, and unless they meet the requirements of Section 504 of this Zoning Ordinance. A manufactured home may only be placed upon private lots as single family dwellings if it meets the following minimum requirements:

- (a) The manufactured home shall contain a minimum of eight hundred (800) square feet of heated living area.
- (b) In a Suburban Residential Zone, the manufactured home must be new, defined as owned by the first purchaser, and have been built within the preceding two years. A new manufactured home must be installed on a permanent foundation by a certified installer who must provide the building code official with a certificate of compliance.
- (c) A used manufactured home must be supported by poured concrete pilasters, pads, or full foundation as recommended by the manufactured home manufacturer, and be in full compliance with the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
- (d) A used manufactured home must be installed in compliance with the manufacturer's approved instructions with tie-down anchor devices and skirting as applicable.
- (e) Manufactured homes sited in Wayne Township after the effective date of this Ordinance shall be constructed to the above requirements or removed from the township.

**507.2** No manufactured home or accessory building, whether installed on a single lot or in a manufactured home park, shall be erected unless a zoning permit is first obtained.

**507.3** No manufactured home, whether installed on a single lot or in a manufactured home park shall be removed without first obtaining a permit from the Wayne Township Tax Collector. Such permit shall be issued upon payment of taxes assessed against the home and unpaid at the time the permit is requested.

## **508 Manufactured Home Parks:**

Manufactured home parks shall be placed only in areas zoned R-3 and shall meet the following requirements:

**508.1** No manufactured home park shall have an area of less than five (5) acres.

**508.2** In the event the manufactured home park exceeds four (4) lots, each lot shall be served by community water and sewer facilities or served by a common water supply and a

common sewage or septic disposal system supplied by the manufactured home park owner.

- 508.3** Each manufactured home lot within the park shall have an area of at least five thousand (5,000) square feet and a minimum lot width forty (40) feet. The length of any manufactured home lot with a width over forty feet shall be no greater than three (3) times its width.
- 508.4** No manufactured home or accessory building shall be closer than fifteen (15) feet to any property adjacent to the manufactured home park.
- 508.5** No manufactured home or accessory building shall be closer than ten (10) feet to any manufactured home lot lines.
- 508.6** No manufactured home or accessory building shall be closer than fifty (50) feet to a public highway right-of-way line.
- 508.7** Each manufactured home must have skirting. The skirting must meet or exceed the recommendation of a manufactured home manufacturer; each manufactured home shall be placed upon a permanent foundation with tie-down anchor devices as provided by the Erie County Subdivision and Land Development Ordinance dated August 17, 2010, and its revisions, and in conformity with the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
- 508.8** The internal street system shall be privately owned, constructed, and maintained, and shall be designed for safe and convenient access to all lots and to facilities for common use by park occupants; and shall comply with the requirements of Section 506 of the Zoning Ordinance.
- 508.9** No less than ten per cent (10%) of the gross area of the park must be improved for recreational activities of the residents of the park.
- 508.10** To limit unauthorized access, the manufactured home park shall provide a fence or screen planting of trees, evergreens, hedges or shrubs, no less than six (6) feet high and two feet wide, on the side and rear property lines; and with no openings to adjacent properties other than required access drives, if deemed necessary by the Board of Supervisors.
- 508.11** Approval by the Pennsylvania Department of Environmental Protection and the Erie County Health Department shall be required. The park shall meet the minimum design specifications established by the Manufactured Home Manufacturers' Association or the equivalent.
- 508.12** No zoning permit for manufactured home park construction or enlargement shall be issued prior to review and approval of the design plans by the Wayne Township Planning Commission and the Board of Supervisors.

**509** **Water Recreation and Storage (Areas):**

- 509.1** Any facility for public water recreation such as a swimming pool, swimming clubs and commercial fishing ponds or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons, but excluding farm ponds, and natural bodies of water, may



be permitted in certain districts as a special exception, and shall comply with the following regulations:

- (a) The facility must meet the setback requirements of the district.
- (b) The facility must be enclosed by a fence no less than eight (8) feet high to prevent uncontrolled access by small children, if prescribed by the Zoning Hearing Board for safety reasons.
- (c) The facility, if operated to attract visitors, must comply with parking requirements established by the Zoning Hearing Board.
- (d) The operator or owner of the facility shall submit a development plan, showing size of facility, proposed use, parking arrangement and use of buildings of site, surrounding properties and their usage, and any other pertinent information.

**509.2** Private swimming pools shall be permitted providing they meet the setback requirements of the district.

- (a) The pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located, and their invited guests.
- (b) The pool may only be located in the rear yard or side yard of the property on which it is an accessory use.
- (c) An in-ground pool must be enclosed by a fence no less than four (4) feet high; access to an above ground pool must be secured to prevent unauthorized access.
- (d) A zoning permit shall not be required for an above ground pool.
- (e) The addition of permanent decking, walkways, shelters, etc. shall require a permit.

**510** Signs:

No sign shall be permitted except as herein provided:

**510.1 In any district:** All signs except those maintained pursuant to and in the discharge of any law, ordinance, governmental regulation or function shall comply with the following general requirements:

- (a) They shall not be illuminated in any manner, which will cause undue distraction, confusion or hazard to vehicular traffic. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except as expressly permitted by this ordinance, and those giving public service information such as time, date, temperature, weather, or similar information.
- (b) Signs greater than ten (10) square feet in area shall be located not closer than seventy-five (75) feet to a road intersection.
- (c) They shall not be located to interfere with highway horizontal sight distances, nor shall be located at curves.
- (d) No political or ideological sign, as well as all other signs unless erected by a government body shall be permitted on utility poles or trees, or on public property; and those erected thereon shall be removed and the cost of removal shall be charged to the person(s) responsible for the placement of the said signs.
- (e) No sign on public property or public right of way, including the triangles of land located at the intersection of Route 6 and West Smith Street, unless erected by a governmental body, or unless required to be so located by order of a governmental

body, shall bear any political, ideological, commercial, advertising or announcement message, or combination thereof.

- (f) Political or ideological signage may be erected on private property without permit.
- (g) Permanent signs must be of professional quality and constructed of durable materials, must be kept in good condition and repair, and not allowed to become dilapidated.
- (h) Any permanent off-premise sign which has remained without bona fide advertising for 12 months or which has been without a current lease from the landowner for more than 90 days shall be presumed abandoned and shall be removed within sixty (60) days after notice from the Township of the abandonment. The word sign shall include the structure, which supports the sign face as well as the sign face itself.
- (i) Instructional or “way-finding signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional purpose and based on their size, location, and intended purposes will not constitute additional advertising. Instructional signs shall be permitted without limitation as to number or size and may include the name of the business and logos.
- (j) Any on-premises sign that is generally informational or directional, that has a purpose secondary to the use of the lot or site on which it is located, such as “No Parking,” “Entrance,” “Exit,” “one Way,” “Loading Only,” “Telephone,” and other similar directives shall be permitted in addition to all other signs, and provided that such sign does not exceed four (4) square feet. Directional/informational signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.
- (k) Temporary sign naming the contractor, mechanic, or painter engaged in the construction on premises where the sign is located shall be permitted, but only during the period in which actual construction is taking place. No permit shall be required.
- (l) One development sign not exceeding thirty-two (32) square feet and advertising a building or improvement or future use of a building being constructed or altered upon the premises may be erected sixty days prior to the start of construction, during active construction and for not more than thirty days after completion.
- (m) One bulletin board not exceeding thirty-two (32) square feet in area will be permitted in connection with any church, school or similar public premises.
- (n) One permanent residential development sign, not exceeding thirty-two (32) square feet in area, shall be permitted at major entrances to a residential subdivision designed to identify the subdivision and shall contain no commercial advertising. A free standing sign structure shall be a one or two post construction with a minimum of ten foot clear span, other than the support posts, from the bottom of the sign face to grade level.
- (o) Permanent off-premises signs advertising a business commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises shall have an area not to exceed fifty (50) square feet, or any single dimension exceeding ten (10) feet. Such signs shall not be located within three hundred (300) feet of any other commercial sign on the same side of the road. A signed statement of permission from the landowner must be filed with the zoning application for off premise signage. A free standing sign structure shall be a one or two post construction with a minimum of ten foot clear span, other than the support posts, from the bottom of the sign face to grade level.
- (p) Temporary signs, on and off premises, intended to promote or advertise a business or commercial event, public gathering, or nonprofit and charity sponsored event shall be permitted during and thirty days prior to the time period for the sale or event. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed within two weeks after the end of the event or sale. No permit shall be required.

- (q) Temporary signs, on and off premises, advertising the sale of edible farm and/or garden products shall be permitted for the duration that such products are available. Such signs shall not exceed thirty-two (32) square feet in area in Agricultural, Rural Residential, and Business zones, and eight (8) square feet in area in Suburban Residential zones. No permit shall be required.
- (r) Temporary real estate sale not exceeding thirty-two (32) square feet in area shall be permitted on a property. Such signs shall be removed within thirty (30) days following the sale of real estate. No permit shall be required.
- (s) Zoning permits shall be required for all signs ten (10) square feet in area or larger which shall be regarded as structures within this Ordinance unless specifically excluded.
- (t) Application for a zoning permit for sign placement shall include the following information:
  - 1) Name, address, and phone number of the applicant and property owner.
  - 2) A map or site plan showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, existing signs, and thoroughfares. Such map or site plan must be to scale.
  - 3) A plan showing the design of sign, materials used, and method of construction and means of attachment to the building or the ground.
  - 4) Name of person, firm, corporation or association erecting, altering, or moving said sign.

**510.2** No sign shall be permitted in **Agricultural** or **Residential** Districts except as herein provided:

- (a) One sign not exceeding eight (8) square feet in area will be permitted which announces the name and professional activity of the occupant of the premises on which said sign is located.
- (b) Signs ten square feet or larger in area shall not be permitted closer than one hundred (100) feet of any residential use, school, church, park, playground, or cemetery.
- (c) Signs as permitted in Section 510.1

**510.3** In **Business** Districts, no sign shall be permitted except as herein provided:

- (a) One free standing business sign in connection with any legal commercial use or structure, having an area not to exceed one hundred eighty (180) square feet, will be permitted on the premises of the business, provided such sign contains no information beyond the name, symbol and nature of the business, providing that if said commercial use or structure faces more than one road, one sign shall be allowed on each read frontage.
- (b) Signs placed or painted on the side of existing structures not exceeding twenty-five percent (25%) of a building face shall be permitted, provided the sign complies with all other requirements of this Ordinance. No wall sign shall extend above the top of the wall nor beyond the left and right extremities of the wall upon which it is placed; nor shall any wall sign project more than ten (10) inches from the wall upon which it is placed.
- (c) Excluding the one hundred eighty square foot free standing sign and wall signs, no more than four (4) additional permanent and vehicular signs, each not exceeding forty (40) square feet shall be permitted on a property. This limitation on the number of signs shall not apply to political signs or ideological signs as defined herein.

- (d) Advertising sign boards and changeable copy signs may be erected and maintained only when such signs relate directly to the use conducted on the property or carried on within such building. A portable sign may be so used provided the wheels are removed, and the sign is stationary and secure on the premises.
- (e) Electronic Message Centers and/or Electronic Display Signs (collectively, "Electronic Message Centers") may be erected provided such signs adhere to the following requirements:
  - 1) Every such sign shall be set back not less than 100 feet from all existing residences.
  - 2) Each such sign shall be equipped with an automatic dimmer device.
  - 3) All such signs shall be equipped with a glare screen.
  - 4) The maximum area of the Electronic Message Center shall be 32 square feet.
  - 5) The area of the Electronic Message Center shall be included in calculating the total allowed signs.
  - 6) The intensity and contrast of light levels shall remain constant throughout the sign face.
  - 7) Each message shall remain static for a minimum of eight (8) seconds.
- (f) One additional free standing identification sign shall be permitted at each entrance to a shopping center or a private no outlet road serving multiple properties.
  - 1) The top sign not to exceed one hundred eighty square feet shall list the name of the shopping center or development.
  - 2) The multiple stack type signs will each have a maximum area of twenty-four (24) square feet and contain only the names and/or logo of the businesses located in the plaza or development. No other type of advertising will be allowed on the sign structure.
  - 3) The sign structure shall be a one or two post construction with a minimum of ten foot clear span, other than the support posts, from the bottom of the lower listing to the height of the entrance roadway.
- (f) Signs as permitted in 510.1

**510.4** In **Industrial** Districts, no sign shall be permitted except as herein provided:

- (a) One free standing sign, which contains information as to the activity, carried on the premises and name of company and symbol, provided that if said premise face more than one road, one sign shall be allowed on each road frontage. Each sign shall have an aggregate area not to exceed one hundred (100) square feet.
- (b) Signs as permitted in 510.1
- (c) Signs as permitted in 510.3

**511** **Mineral Excavations:**

**511.1** Excavation of sand, gravel or other material from the ground by surface shall be considered a temporary use and may be permitted in certain districts as a conditional use, if approved by the Board of Supervisors. All such excavations shall comply with the following minimum requirements and any other measures that the Board of Supervisors might specify to protect the public interest. Operator shall comply with all permitting requirements for Excess Maintenance Agreements and shall take all necessary measures to ensure that public roads utilized by the operator or their contractors and employees shall remain free of dirt, mud and debris resulting from these activities.

- (a) All operations must be conducted no closer than one hundred (100) feet to adjacent property not under common lease or ownership, unless a release is

obtained by the adjacent property owner, and no closer than one-hundred (100) feet to any road right-of-way line.

- (b) All operations must be conducted no closer than three hundred (300) feet to an existing dwelling, school, hospital, or similar residential use.
- (c) The operator shall file with the Board of Supervisors a plan showing the location of adjacent properties, roads and natural features.
- (d) The operator shall submit to the Board of Supervisors for approval, a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses of other improvements contemplated, including the plan for the placement of sluices, drains, and culverts for new access roads constructed for use in conjunction with the excavation.
- (e) The operator shall file with the Board of Supervisors, written proof that he has met all permit, registration, and bonding requirements of the Pennsylvania Department of Environmental Resources or other such state agency as may have jurisdiction, by providing copies of the pertinent documents (permits, etc.). Notwithstanding any other provision of this Ordinance, all mineral excavations shall be in compliance with Pennsylvania Act 418, the Surface Mining Conservation and Reclamation Act, as amended.
- (f) Section 511.1 does not restrict an individual property owner from excavating sand or gravel for his own use provided the applicant meets the requirements of Sections a, b, c and submits a plan for restoration to the Zoning Officer.

**511.2** Oil & Gas Development is permitted in certain districts. All oil & gas development shall comply with the following minimum requirements and any other measures that the Zoning Administrator might specify to protect the public interest. Operator shall comply with all permitting requirements for Excess Maintenance Agreements and shall take all necessary measures to ensure that public roads utilized by the operator or their contractors and employees shall remain free of dirt, mud and debris resulting from these activities. The applicant/operator shall work with the township to ensure roadways are repaired or upgraded prior to development.

- (a) It is acknowledged that federal or state law or regulation preempts local ordinance requirements that conflict with federal or state statute or regulation of the operational methods of the oil & gas industry.
- (b) The applicant/operator shall submit the following documents with a completed zoning application:
  - (1) A location map of the oil and gas well site showing the approximate location of derricks, drilling pads, open pits, equipment & structures including natural gas compressor station or natural gas processing plant and all permanent improvements to the site and any post construction surface disturbance. Included in this map shall be an area within the development site for the location and parking of vehicles used in the transportation of personnel and of the equipment used in the development and use of the site.

- (2) The applicant/operator shall also file a narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance, and operation of the oil or gas well site.
- (3) A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
- (4) A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
- (5) A certificate of insurance issued to the municipality evidencing a general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate

(c) **Height regulations:**

- (1) Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
- (2) Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.
- (3) There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well.

(d) A natural gas compressor station or natural gas processing plant and the drilling pad for the oil or gas well site shall comply with the setback requirements of the district in which it is located.

(e) **Security fencing:**

- (1) Fencing shall not be required at oil and gas well sites during initial drilling as long as manned 24-hour on-site supervisors and security are provided.
- (2) Upon completion of drilling, security fencing consisting of a permanent chain link fence shall be installed within sixty days at the oil and gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil and gas well site.
- (3) Security fencing shall be at least 8 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.

(f) **Lighting:**

- (1) Lighting at the oil and gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil and gas development.
- (2) Lighting at a natural gas compressor station or a natural gas processing plant shall be limited to security lighting.

(g) **Noise:**

- (1) Establish Ambient Level: Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data. This documentation of the established ambient noise level shall be provided to the township prior to starting oil and gas drilling and/or production operations.
- (2) No operation or activity shall cause or create noise in excess of the sound levels prescribed in Section 517 Performance Standards of this ordinance.
- (3) Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
- (4) Exemption from the standards established in this subsection may be granted by the Board of Supervisors during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the township.
- (5) Complaints received by the township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

(h) **Floodplain Prohibitions:** No drilling shall be allowed in the floodway or the 100 year Floodplain designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps. Furthermore, no storage of chemicals shall be permitted within the floodplain.

(i) **Preparedness, Prevention and Contingency (PPC) Plan** –Operator shall provide verification to the township that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to all First Responders, including the Fire Departments and ambulance personnel , along with the Zoning Administrator and Emergency Management Coordinator. Prior to drilling, the operator shall provide an appropriate site orientation and training course of the PPC Plan for all Emergency Responders. The cost and expense of the orientation and training shall be the sole responsibility of the applicant.

(j) Section 511.2 does not restrict an individual property owner from drilling an oil and gas well for their own personal use in their home or business and not for commercial purposes, if they meet the minimum standards of the Pennsylvania Department of Environmental Protection. No product may be piped or transported from the property or parcel the well is intended to serve.

## 512 Landfills:

### 512.1 General Provisions:

- (a) Sanitary landfills shall be permitted only in the Agricultural District as a conditional use.
- (b) Landfills in which non-organic or mineral fill is being placed in existing mineral excavations may be permitted in other zoning districts as a conditional use.
- (c) Plans for all landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PaDEP,) Bureau of Land Protection and Reclamation, Division of Solid Waste Management, and in conformance with all Federal regulations and Pennsylvania Solid Waste Management Act, Act 241, as amended. Operators of sanitary landfills shall file with the Wayne Township Supervisors written proof that they have met all permitting requirements of PaDEP.

### 512.2 Local requirements which must be met prior to permit approval by the Board of Supervisors include:

- (a) After filing proof with the Board of Supervisors that the application has met all of the permitting requirements of PaDEP, the operator or applicant shall file application for a permit with the Wayne Township Zoning Officer, in the form prescribed by the Township and pay a permit fee as promulgated by the Board of Supervisors. The permit issued pursuant to this Section shall be renewed annually by the operator.
- (b) A buffer zone of two hundred (200) feet shall be required from all public rights-of-way, and a buffer zone of four hundred (400) feet shall be required from all dwellings, schools, churches and hospitals and similar residential uses and where landfill operations border districts which prohibit their use.
- (c) A barrier, either of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
- (d) The barrier shall be at a minimum distance of 75 (seventy-five) feet from all operations and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil. The barrier shall also be at a minimum of 200 (two hundred) feet from an adjacent property or public rights-of-way.
- (e) The project shall consist of no more then 2 (two) access routes, unless the landfill property borders 3 (three) or more public rights-of-way. In such an event, approval by the Board of Supervisors will be necessary to secure an additional access route.
- (f) A bond will be filed with the Board of Supervisors in an amount deemed necessary by the Board, to provide for final covering and reclamation as specified under the provisions set in accordance with the approval of the Pennsylvania Department of Environmental Protection sanitary landfill permit, to assure compliance with all requirements of this Ordinance and permits issued pursuant to this Ordinance, and to



provide for the repair of any Township roads damaged by transportation of materials to the landfill.

- (g) The operator shall submit to the Board of Supervisors for approval, a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land; the proposed final topography indicated by contour lines of no greater interval than 5 (five) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, and other improvements contemplated. When the operator has performed all requirements contained in the restoration plan, he will be issued a written certificate by the Zoning Officer that the restoration is complete and is in compliance with the plan.

**512.3** The requirements of Section 512.2 (b), (c) and (d) may be waived by the Board of Supervisors when non-organic or mineral fill is being placed in existing mineral excavations.

**513 Junkyards, Salvage and Similar Storage Areas Including Automanufactured Wrecking:**

**513.1** All junkyards shall be completely enclosed from roads or developed areas by a sight-obscuring screen being a masonry wall, wooden fence or chain-link fence with filler strips and at least eight feet in height to limit unauthorized access. Said screen shall be kept in repair at all times.

**513.2** The site shall contain one entrance and one exit, each less than thirty feet in width.

**513.3** Storage shall be limited to non-organic material.

**513.4** The site shall have a minimum lot size of five acres.

**513.5** The site shall be located no closer than one hundred feet to existing state or municipal roads.

**513.6** The site shall be located a minimum of one hundred feet from any side or rear property line.

**513.7** On-site burning or incineration of vehicles shall be prohibited.

**513.8** All such sites shall comply with all State and Federal regulations, and written evidence of such compliance shall be furnished to the zoning officer upon three days notice.

**513.9** The owner(s) of any such site shall comply with all Local Enabling Tax Ordinances as they relate to the operation, and written evidence of compliance shall be furnished to the Zoning Officer upon three days notice.

**513.10** Should any site terminate operations, the owner shall remove all junk, salvage, abandoned automanufactureds, etc. within twelve months of the termination.

**514 Agriculture:**

**514.1** Roadside stands for sale of agricultural products shall be permitted in all districts providing:

- (a) They are erected out of the highway right of way.
- (b) They shall be used exclusively for the sale of agricultural and home products.
- (c) A minimum of two parking spaces shall be provided out of the right of way.
- (d) No permit shall be required.

**514.2** Horses and/or ponies shall be permitted in R-2 zones providing:

- (a) The minimum lot area is three or more acres in size.
- (b) One horse or pony shall be permitted per acre of land area.
- (c) The land area used by such animals shall be completely enclosed by a fence or other method of enclosure.
- (d) The animals are housed only for the recreational use of the individuals living on the premises.
- (e) Animal excretions are stored or stockpiled for no longer than a one-month period of time.
- (f) Accessory buildings housing the animals shall be located no closer than fifty feet from any lot line.

**514.3** Heavily used facilities for animal raising and care, including housing and pen facilities, feed lots, and runs, but not limiting pastures, shall not be constructed within 150 feet of a neighboring property.

**514.4** Concentrated Agricultural uses may be permitted as a conditional use in A zone providing the following requirements are met:

- (a) The minimum lot area shall be five acres.
- (b) Concentrated commercial animal operations, as defined under the Nutrient Management Act, shall submit a copy of the approved nutrient management plan to the Township.
- (c) Construction of manure storage buildings must be approved by the County Conservation District with documentation filed with the Township.

**514.5** Agricultural Business and Industry shall be permitted within the A district provided the following criteria are met:

- (a) That the use is purely secondary to the primary use of the land.
- (b) That the use is an adjunct function or operation of the product of the agricultural activity.
- (c) That the use would not dramatically alter the character of the A district. Such use specifically includes the processing or wholesale sale of the farm product.

**515** **Wildlife:**

**515.1** The following uses are permitted in A & R-1 zones, provided that said uses comply with state laws and regulations required by the Pennsylvania Game Commission, the Pennsylvania Department of Agriculture, and the United States Fish and Wildlife Service.

- (a) Exotic Wildlife Possession/Dealer
- (b) Falconry
- (c) Menagerie
- (d) Wildlife Propagation
- (e) Raptor Propagation
- (f) Regulated Hunting Grounds
- (g) Wildlife Rehabilitators

**515.2** Facilities for wildlife raising and care, including housing and pen facilities, feed lots, and runs, shall not be constructed within 150 feet of a neighboring property.

**516 Problem Development Land:**

Land, where development and public health, safety and general welfare are threatened by special development problems consisting of excessive slope or periodic flooding or wetlands, shall conform to the following regulations:

**516.1 Steep Slope:**

Land having a slope in excess of twenty-four (24) per cent shall be deemed steep slope land. For the purpose of determining compliance with the area requirements of this Ordinance, the area of steep slope land shall be computed at one-tenth the value of the other land; that is each ten square feet of steep slope shall be counted as one square foot in computing such compliance. Land containing significant areas of slope greater than twenty-five percent (25%) shall not be developed due to the hazards involved.

**516.2 Flood Plains:**

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Maps. Only the most updated version of these maps shall be referred to. These maps and data are to be considered as part of the Wayne Township Zoning Map. No use shall be permitted on land located within a Flood Plain that is not in compliance with the provisions of the Wayne Township Flood Plain Ordinance and its amendments.

**516.3 Wetlands:**

No use shall be permitted on land identified to be wetland as determined by National Wetlands Inventory (USGS Quad Maps) Maps, until all applicable State and Federal Permits are obtained.

**517 Performance Standards:**

No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons in the township. Furthermore, every use of land or structure in any district must observe the following performance requirements, except that nothing shall be construed to prevent any general farm practice.

**517.1 Fire Protection:**

Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

**517.2 Electrical Disturbances:**

No activity shall cause undue electrical disturbance adversely affecting radio or other equipment in the neighboring area.

**517.3 Noise:**

Noise, which is determined to be objectionable because of volume, frequency or beat, shall be muffled or otherwise controlled. The township may require the temporary or permanent erection and of sound barriers. No operation or activity shall cause or create noise in excess of the sound levels prescribed below.

(a) Agricultural & Residential Zoning districts: at no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 dBA at the property line.

(b) Industrial Zoning District: at no point on or beyond the boundary of any lot within this district shall the exterior noise level resulting from any use or activity located on the lot exceed a maximum of 80 dBA at the property line.

(c) The following uses or activities shall be exempted from the noise regulations:

1. Noises emanating from construction or maintenance activities between the hours of 7 a.m. and 9 p.m.
2. Noises caused by safety signals, warning devices, fire sirens, and other emergency-related activities or uses.

**517.4 Smoke:**

The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringleman Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than NO. 2 will be allowed. Exception to this may occur when starting new fires or there is a breakdown of equipment.

**517.5 Vibrations:**

Vibrations detectable without instruments on neighboring property in any district except the heavy industrial district shall be prohibited. Vibrations detectable without instruments on neighboring property in the heavy industrial districts shall be permitted, provided such vibrations do not endanger or in any way damage persons or properties on neighboring properties.

**517.6 Odorous Emissions:**

Uses located in industrial areas shall be permitted to emit odorous gas or matter as long as it does not endanger lives or property and as long as it is not discernible on any lot or property in any district other than the industrial district.

**517.7 Air Pollution:**

No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property.

**517.8 Glares:**

Lighting devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

**517.9 Erosion:**

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

**517.10 Water Pollution:**

Water pollution shall be subject to the standards established by the Erie County Health Department and/or the Pennsylvania Department of Environmental Protection.

**518 Home Occupations:**

As a Special Exception in A, R-1, R-2, and R-3 districts, a home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall apply:

**518.1** The occupation is customarily carried on in a dwelling unit without the permanent installation of special equipment.

**518.2** The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one employee outside the family.

**518.3** The occupation is carried on wholly within the principal structure or adjacent accessory structure.

**518.4** There shall be no exterior display, exterior sign other than permitted by section 510, of the Wayne Township Zoning Ordinance, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure.

**518.5** No offensive odor, noise, vibration, smoke, dust, heat, or glare shall be produced.

**518.6** The occupation shall be limited to personal services. There shall be no commodity sold on the premises, except for commodities which are clearly incidental to the occupation. The nature of any commodities to be sold shall be established at the time a permit is issued.

**518.7** The occupation shall occupy no more than thirty percent of the principal and accessory structure.

**518.8** One parking space shall be provided for each one hundred square feet of space devoted to the home occupation, in addition to residential parking, Any home occupation requiring more than six additional parking spaces shall not be permitted.

**518.9** No off-street loading facilities shall be installed.

**518.10** Home occupations may include, but are not limited to, studios, dress making, offices of architects, engineers, surveyors, accountants, real estate agents, insurance agents, teachers, and beauty shops.

**519**     **Home-Based, No-Impact Business:**

As a permitted activity in all residential structures, the use must be clearly secondary to a residential dwelling, and may not involve any customer, client, or patient traffic or any pick-up, delivery or removal functions in excess of those normally associated with residential use. The following additional conditions shall apply:

**519.1** Shall be compatible with the residential use of the property.

**519.2** Shall employ no employees other than persons residing in the home.

**519.3** There shall be no display or sale of retail goods, no stock-piling or inventory of a substantial nature.

**519.4** No outside appearance of a business.

**519.5** Activity may not use any equipment or process which creates noise, vibration, glare, fumes, odor, smoke, dust or heat.

**519.6** The activity may not generate solid waste or sewage discharge not associated with residential use.

**519.7** The activity may not occupy more than 25% of the habitable floor area within the dwelling.

**519.8** The business may not involve any illegal activity.

**520**     **Campgrounds including Man Camps**

Campgrounds may be permitted as a conditional use in areas zoned A, R-1 and B-1 and shall meet the following requirements in addition to any conditions imposed by the governing body and the laws of the Commonwealth and County.

**520.1** No campground shall have an area of less than five acres. The site shall be so located that soil conditions, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants, as determined by the Erie County Conservation District.

**520.2** The provision of central water and sewerage facilities is mandatory. Such facilities and all plumbing and electrical installations, refuse and garbage disposal; insect and rodent control; sanitary stations; and service buildings containing toilet and shower facilities shall be in accordance with applicable minimum standards established by the Erie County Dept. of Health and the Pa. Dept. of Environmental Protection.

**520.3** Individual unit spaces shall not exceed twenty per acre. The minimum area of any space shall not be less than eight hundred square feet with no dimension less than twenty feet. No space shall be located less than fifty feet from road right-of-ways nor less than thirty-five feet from any property adjacent to the campground.

**520.4** Not less than ten percent of the gross area of the park must be improved for recreational activities of the residents of the park. Swimming pools and other facilities shall comply with applicable requirements of the Zoning Ordinance. Recreational activities when members of the general public are allowed to attend is not a valid accessory use to the campground.

**520.5** The internal street system shall be privately owned, constructed, and maintained, shall be designed for safe and convenient access to all spaces and to facilities for common use by campground residents. Each campground shall provide off-street parking, loading, and maneuvering space. Walkways shall be provided to all accessory buildings and service facilities of the campground, and shall be adequately illuminated.

**520.6** To limit unauthorized access, the campground shall provide a fence or screen planting of trees, evergreens, hedges, or shrubs, no less than six feet high on the side and rear property lines, and with no openings to adjacent properties, if deemed necessary by the Board of Supervisors.

## **521 Radioactive Waste Facilities:**

**521.1** Radioactive Waste Facilities shall be permitted only in the A-Agricultural District as a conditional use. No radioactive substance or waste generated by any government agency or pursuant to a federal or state government contract or license nor as defined in the Nuclear Regulatory Commission (NRC) Section 11 (e) (2) of the Atomic Energy Act of 1954, codified as amended at 42 U.S.C. Amendment of 1985 and in effect as of January 1, 1986, or in the Pennsylvania Low-level Radioactive Waste Disposal Act, Act 1988 –12, 1988 PA Legislature. Serv.23 (Purdon) (LLRWDA), that may be redefined as an expanded exemption, below regulatory concern (BRC) or otherwise deregulated by the NRC or any other federal agency shall be received for treatment, recycled, incinerated, deposited in sewers or abandoned wells, or accepted at any solid, liquid, or hazardous waste facility. All LLRW as specified above shall be deposited at a LLRW facility. All such uses shall comply with the Wayne Township Radioactive Waste Facilities ordinance.

## **522 Garage, Repair & Service**

A Repair & Service Garage shall meet the following minimum requirements:

**522.1** As a special exception use in an A or R-1 zone, no structure, vehicle, or accessory shall be located less than 50 feet from an adjoining property developed for residential use, church, school, park or playground and shall meet the minimum lot size for Other Uses.

**522.2** Vehicles located on the lot for service shall be serviced within one hundred eighty (180) days or shall be removed.

**522.2** When located in an Agricultural or Rural Residential Zone as a special exception, no garage shall exceed five vehicles outside a structure.

**522.3** Holding tanks for hazardous material fluids shall be on-site. These tanks shall not be open to weather and shall be designed to prevent spillage or leaks.

**523**     **Airports:**

Private or public airports may be constructed subject to the following restrictions:

**523.1** The developer must secure, and present copies to the Township, of all required permits from the Commonwealth of Pennsylvania, the Federal Government (particularly the FAA), or other agencies of competent jurisdiction for the operation of an airport.

**523.2** The minimum lot size shall be five acres.

**523.3** The developer shall submit a complete development plan to the Board. The Model Airport Zoning Regulations of the Federal Aviation Administration will be used as a guide in this matter. The recommendations of the Board's engineer will be conditions for approval of the airport.

**524**     **Eating & Drinking Establishments & Clubs:**

Shall meet the following minimum requirements:

**524.1** As a special exception use in A & R-1 zones, they shall be located a minimum of 100 feet from the nearest property line of any residential use, church, school, hospital, library, park or playground and shall meet the minimum lot size for Other Uses.

**525**     **Adult Entertainment:**

Shall meet the following minimum requirements:

**525.1** They shall be located a minimum of 100 feet from the nearest property line of any residential use, church, school, hospital, library, park or playground and shall meet the minimum lot size for Other Uses.

**525.2** No establishment constituting an adult entertainment or adult oriented establishment shall be open for business earlier than 10:00 a.m. on Mondays through Saturdays or 12:00 p.m. on Sundays, and no such establishment shall be open for business later than 12:00 a.m. on any day of the week.

**525.3** No advertising sign boards shall expose the public, including the minor public, to a lewd, immoral, and indecent display

**526**     **Entertainment Facilities, Outdoor:**

Shall meet the following minimum requirements:

**526.1** Facilities in Agricultural and Rural Residential Zones shall be located a minimum of 200 feet from any residential use, church, school, park or playground. The Zoning Hearing Board may impose hours of operation on the facility.

**526.2** Facilities in Business Zones located within 100 feet of any hospital, or residential use shall restrict hours of operation to 8 a.m. to 11 p.m.

**526.3** The facility shall provide restrooms for the use of customers/public.

**526.4** No operation or activity shall cause or create noise in excess of the sound levels prescribed in Section 517, Performance Standards, of this Ordinance.

**526.5** Special plantings or fencing may be required at the option of the Zoning Hearing Board for screening of the facility and maintenance areas from adjoining property uses. Specifically a requirement for closely spaced dense plantings to provide a noise barrier, and/or fencing for controlled access to the facility may be required.

**526.6** The facility, if lighted, shall utilize fixtures mounted to provide a downward illumination pattern with no splash outside the property boundaries.

**526.7** If applicable to the facility, the storage of fuel shall meet all Federal and Commonwealth of Pennsylvania guidelines.

**527**     **Supply Yards:**

Supply yards shall meet the following minimum requirements:

**527.1** The supply yard shall be necessary for the operation of a legitimate business or contracting profession and shall meet the minimum lot size for Other Uses.

**527.2** Outside storage shall be in a neat and orderly arrangement and not project into any minimum front, side or rear yard.

**527.3** If required by the Zoning Hearing Board, the property shall be enclosed by a sight-obscuring fence to prevent unauthorized access.

**528**     **Warehousing/Wholesale Business:**

Warehousing/wholesale business shall meet the following minimum requirements:

**528.1** The facility shall be constructed with all garage doors, loading doors, etc. facing an area located off-road and requiring entrance and exit from a designated private drive.

**528.2** All processing and storage of materials is to be completely within the interior area. There shall be no outside storage of any material.

**529**     **Gas Stations, Service Stations:**

Gas stations may be permitted as special exceptions in business zones in accordance with the following minimum requirements:

**529.1** The operator shall file written proof with the Township that he has met all permit, registration, and bonding requirements of the Pennsylvania Department of Environmental



Protection or other state agency as may have jurisdiction, by providing copies of the pertinent documents. Notwithstanding any other provision of this Ordinance, all fuel storage tanks shall be in compliance with Act 32 of 1989, the Storage Tank and Spill Prevention Act, and its amendments.

**529.2** The dominant use shall be for the purpose of selling gasoline, oil, emergency accessories, and other incidental customer services and products; lubrication, washing and waxing, and general auto manufactured repair; but excludes storage of disabled vehicles for repair parts and auto body repair work. Vehicle rentals may be permitted with the provision of adequate parking.

**530 Bulk Fuel/Industrial Gases Storage:**

Bulk Fuel/Industrial Gases Storage may be permitted as a special exception in a business and industrial zones with the following minimum requirements:

**530.1** In addition to Federal and State Inspection Certificates filed with the township, an annual Tier 2 report and contact list must be filed with Erie County Department of Public Safety; placards shall be on site. Transfer of business ownership shall require immediate notification to the Township and Fire Department. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage in the minimum amount of \$2,000,000 per occurrence covering storage site must be filed with the Township.

**530.2** All tanks and delivery trucks shall be enclosed by security fencing; and illuminated with dusk to dawn lighting; all tanks shall be maintained in good repair.

**530.3** The tank or tanks shall be placed no closer than 150 feet to the road right of way, side property lines, or rear property line.

**530.4** The applicant shall ensure an adequate water supply is available on site, i.e.: public water, pond, water tower, buried tank, as determined by the Fire Department.

**530.5** The applicant shall reimburse the township for costs incurred for installation of “truck entrance” signs.

**531 Recycling/Transfer Facility:**

Recycling/transfer Facilities shall meet the following minimum requirements:

**531.1** Facility shall only process recyclable materials. No waste material of any kind shall be processed or baled for the primary purpose of transferring to a landfill or incinerator for disposal. No material classified as hazardous waste will be processed or recycled at the facility.

**531.2** The facility shall be constructed with all garage doors, etc. facing and area located off-road and requiring entrance and exit from a designated private drive.

**531.3** All processing and storage of materials is to be completed within the enclosed building. Recycling of materials requiring outside storage, i.e. Scrap iron, shall comply with the requirements for **Salvage Yards, Section 513** of the Zoning Ordinance.

**532 Communications Towers, Antennas And Equipment Buildings:**

**532.1** Communications antennas and equipment buildings may be located in any district providing they comply with the following general requirements:

- (a) Building mounted Communications Antennas shall not be located on any single-family dwelling or multiple family dwelling.
- (b) Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- (c) Omni directional or whip communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- (d) Directional or panel Communications Antennas shall not exceed five (5) feet in height or three (3) feet in width.
- (e) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- (f) The owner or operator of the Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas and shall comply with all applicable standards established by the FCC.
- (g) A Communications Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

**532.2** Communications Towers may be permitted as Special Exception in R-1 and A-1 Zoning Districts provided the following minimum standards are met:

- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower and Communications Antenna.
- (b) The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission.
- (c) Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and Airport Zoning Regulations.
- (d) Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such Structure apply:
  - 1) The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
  - 2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
  - 3) Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - 4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.

- 5) A commercially reasonable agreement could not be reached with the owners of such Structures.
- (e) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet in width and shall be improved to a width of at least ten feet with a dust-free weather surface for its entire length.
  - (f) A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
  - (g) The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its functions; providing, however, that the applicant shall reserve adequate location, space, access, or height to accommodate equipment necessary for a public safety function.
  - (h) The maximum height of any Communications Tower shall be one hundred fifty feet, provided, however, that such height may be increased to no more than two hundred feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of one hundred fifty feet.
  - (i) The foundation and base shall be set back a minimum of one hundred feet from the nearest property line of any residential use, church, school, library, park, or playground, and set back a minimum of fifty feet from any other property line (not lease line).
  - (j) The base of the Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
  - (k) The Communications Building shall comply with the yards and height requirements of the applicable Zoning District for an accessory structure.
  - (l) The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the electrical Industrial Association / Tele-communications Industry Association.
  - (m) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower, and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the Communications Tower and Communications Antennas.
  - (n) All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
  - (o) The site of a Communications Tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
  - (p) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
  - (q) Should a communications Tower remain unused for a period of twelve consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six months of the expiration of such twelve-month period.
  - (r) One off street parking space shall be provided within the fenced area.

A family or group child daycare facility in an owner-operator's home is a permitted use in all districts. Both family and group daycare facilities must be maintained to ensure similarity in appearance and condition to private homes in the neighborhood.

**534 Renewable Energy Generation Facilities:**

**534.1** A Renewable Energy Facility constructed as a stand-alone accessory structure for a primary residential, commercial, industrial, or agricultural use may be constructed in any district subject to the requirements of this ordinance. These could include a solar panel installation or a small wind turbine device.

(a) To reduce noise impacts and increase energy production, a small wind turbine device shall be installed at least 30 feet above any obstacles within 500 feet of the device without the restrictions of the district height limits. If the proposed installation is located in an airport hazard zone, the applicant must receive a permit from the PennDOT Bureau of Aviation and comply with all restrictions.

(b) A small wind turbine device shall be set back a minimum distance of 1.25 times the total height of the device and all equipment mounted thereon from all adjacent property lines, public and private street right of ways lines, and the nearest occupied building on the subject lot. The total height shall include the height of any structure that a device is mounted on if it is not mounted directly at ground level. The setback distance shall be measured from the center of the wind turbine base to the nearest setback point. A small wind turbine device shall not be located within the required front yard setback.

(c) Freestanding solar panels and associated mechanical equipment shall:

1. Only be permitted in the rear and side yard.
2. Shall not exceed twenty feet (20) feet in height above the ground.
3. Shall be set back as required for accessory uses in the districts in which they are located.

(d) Roof-mounted solar panels and associated mechanical equipment installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three (3) feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.

(e) Solar panels shall not be placed such that concentrated solar radiation or glare shall be directed onto nearby properties or roadways, or to interfere with airport flight patterns.

(f) The design of the solar energy system shall conform to applicable industry standards and the Pennsylvania Uniform Construction Code (UCC)

(g) No renewable energy facility shall cause or create noise in excess of the sound levels prescribed in Section 517 Performance Standards of this ordinance.

(h) No variance from these requirements shall be granted without written justification from an independent qualified site assessor and a waiver from neighboring property owner(s) if applicable.

**534.2** A Renewable Energy Facility constructed and operated for the purpose of generating a Commercial energy source in conformity to applicable industry standards may be permitted as a conditional use in certain districts subject to the following additional requirements:

(a) The applicant/operator shall submit the following documents with a completed zoning application:

- (1) A location map of the site showing the approximate location of wind turbines, solar panels, or other energy generating equipment & structures and all permanent improvements to the site(s) and any post construction surface disturbance. Included in this map shall be an area within the development site for the location and parking of vehicles used in the transportation of personnel and of the equipment used in the development and use of the site.
- (2) The applicant/operator shall also file a narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, and other materials used in the siting, construction, maintenance, and operation of the facility site.
- (3) A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.
- (4) Assurance that the operations shall not cause interference with, disruption to or loss of radio, telephone, television, internet or similar signals with a mitigation plan for any harm caused; and that solar panels shall not be placed such that concentrated solar radiation or glare shall be directed onto nearby properties or roadways, or to interfere with airport flight patterns.
- (5) A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
- (6) A narrative describing the decommissioning of the facility within six (6) months after the end of the useful life of the facility or, if applicable, within six (6) months after termination of any lease or agreement authorizing such use. The facility will be presumed to be at the end of its useful life if no energy/electricity is generated for a continuous period of 12 months.
- (7) A certificate of insurance issued to the municipality evidencing a general liability policy covering bodily injury and property damage with limits of at least \$2 million per occurrence and \$2 million in the aggregate

**(b) Height regulations:**

- zoning
- (1) Permanent structures shall comply with the height regulations for the district in which the facility is located.
  - (2) There shall be an exemption to the height restrictions contained in this ordinance for a Wind Energy Conversion System for the purpose of reducing/eliminating objectionable noise levels. If the proposed installation is located in an airport hazard zone, the applicant must receive a permit from the PennDOT Bureau of Aviation and comply with all restrictions.

**(c) Setbacks:** All components of the facility site shall comply with the setback requirements of the district in which it is located.

- (1) There shall be an increased setback requirement for a Wind Energy Conversion System of 1.25 times the total height of the device and all equipment mounted thereon from all adjacent property lines, public and private street right of ways lines and the nearest occupied building on the subject lot. The total height shall include the height of any structure that a device is mounted on if it is not mounted directly at ground level. The

setback distance shall be measured from the center of the wind turbine base to the nearest setback point.

- (2) No variance from these requirements shall be granted without written justification from an independent qualified site assessor and a waiver from neighboring property owner(s) if applicable.

**(d) Security & Safety Features:**

- (1) Upon site completion, security fencing consisting of a permanent chain link fence shall be installed within 60 days at the facility site to secure access to mechanical and electrical equipment and structures on the site.
- (2) Security fencing shall be at least 8 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.
- (3) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (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 10 feet from the ground.

**(e) Lighting:**

- (1) Lighting at the facility site, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the development.
- (2) Wind Energy Conversion Systems shall not be artificially lighted, except to the extent required by the PennDOT Bureau of Aviation and the Federal Aviation Administration.

**(f) Noise:**

- (1) Establish Ambient Level: Prior to installation of a Renewable energy Facility, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two hour ambient noise level at the nearest property line, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data. This documentation of the established ambient noise level shall be provided to the township prior to starting oil and gas drilling and/or production operations.

- (2) No operation or activity shall cause or create noise in excess of the sound levels prescribed in Section 517 Performance Standards of this ordinance