

H. PA DEP Requirements

1. All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

Ord. 2015-3, 12/3/2015, §6, as amended by Ord. 2017-2, 2/2/2017, §17-18.

Section 412. GI General Industrial District

Section 412.1 Specific Intent

It is the purpose of the GI General Industrial District to provide an area in which a variety of industrial uses and certain commercial uses may be conducted, provided that they will not adversely affect the public health, safety, and general welfare of the residents and inhabitants of the Township.

Section 412.2 Uses Permitted By Right

Land and buildings in a GI General Industrial District may be used for the following purposes and no others, unless a Special Exception as provided for in Section 412.3 below is granted:

- A. Business, professional or governmental office and office buildings.
- B. Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development.
- C. Printing and publishing activities.
- D. Industrial operations involving the production, packaging, fabrication, processing, assembly, manufacture, compounding and bottling of foods, goods, materials and electricity, provided that all such activities shall be carried on within a building. The following performance standards shall apply:
 1. Air Management
 - a. No person shall cause, suffer, or permit any odor which causes annoyance or discomfort to the public from any source in such a manner that these malodors are detectable outside of the property of the person on whose land the source is being operated.
 - b. Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this Ordinance and in which case the more restrictive standard shall apply.

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- c. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
- d. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates.

2. Wastewater Management

- a. No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection, other municipality regulations or other agencies having jurisdiction.

3. Solids Waste Management

- a. No storage of waste material on the lot shall be permitted. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

4. Noise and Vibration

- a. Sound level limits, measured at the property line of the source of noise, shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.
- b. Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent) sound level shall be observed over at least a twenty (20) minute period.
- c. Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent)

sound level shall be observed over at least a twenty (20) minute period.

Sound Levels by Receiving Land Use

<u>Zoning of Adjoining Lot</u>	<u>Time</u>	<u>Sound Level (Leq) Limit</u>
Residential, Agricultural or Rural	7:00 a.m. – 10:00 p.m.	60 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	50 dBA
Commercial or Industrial-Commercial	7:00 a.m. – 10:00 p.m.	65 dBA
	10:00 p.m. – 7:00 a.m. plus Sundays and legal holidays	60 dBA
Industrial	At all times	70 dBA

- d. If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3 dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7 dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.
- e. The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:
 - i. The emission of sound for the purpose of altering persons to the existence of an emergency.
 - ii. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
 - iii. Construction operations.
 - iv. Lawn maintenance equipment.
 - v. Motor vehicle operations.
 - vi. Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound

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level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.

- f. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.

5 Visual and Heat

- a. No lighting shall be utilized in a manner which produces glare perceptible at or beyond the lot lines.
- b. Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.

6. Electromagnetic and Radioactive Radiation

- a. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.

7. Carcinogenic Substances

- a. No carcinogenic substances shall be released into the air, ground, or water.

8. PA DEP Requirements

- a. All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

- E. Warehousing, distributing and wholesale sales of manufactured foods, goods, and materials.
- F. Financial institution.
- G. Health fitness center.
- H. Mini self-storage units pursuant to Section 523 of this Ordinance.

- I. Shop of carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason painter, home builder, heating contractor, or similar skilled tradesman.
- J. Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities including wholesale businesses, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, mechanical and vehicle equipment repair establishments, and dry cleaning and dyeing plants.
- K. Heavy commercial or industrial uses which do not require complete enclosure in a building including building materials, new and used machinery storage and sales, vehicle and trailer sales and storage, farm equipment and construction machinery establishments, scrap processing operations or automobile shredding establishments.
- L. Quarries pursuant to Township Ordinance 1964-2¹.
- M. Public uses and structures owned and operated by the Township or a municipal authority organized by the Township subject to the provisions of Section 539 of this Ordinance.
- N. Medical Marijuana Grower/Processor, as defined by this Ordinance, subject to the provisions of Section 553 of this Ordinance. [2017-4]
- O. Accessory buildings, structures and uses to the above uses when on the same lot as the permitted use and not detrimental to the neighborhood. [2017-4]
- P. Quasi-Municipal Use, as defined by this Ordinance, subject to the provisions of Section 539 of this Ordinance. [2017-4]

Section 412.3 Uses Permitted By Special Exception

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board in accordance with Section 802.5 of this Ordinance:

- A. Accessory uses, or buildings, or structures not located on the same lot as the permitted principal use.
- B. Tower-Based Wireless Communications Facilities subject to Section 513 of this Chapter. [Ord. 2017-2]
- C. [Reserved]. [Ord. 2017-2]
- D. Junk yards, subject to:

¹ Codified as Chapter 22, Article IV.

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1. All junk yards shall be enclosed with a chain-link fence a minimum of six feet (6') in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.
2. All junk shall be stored and set back at least twenty-five feet (25') from any adjoining premises and at least fifty feet (50') from the right-of-way of any public street.
3. Burning or melting of any junk, rubbish, or refuse is prohibited.
4. All junk shall be stored and arranged so as to permit access by fire-fighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than eight feet (8') from the ground.
5. All gasoline shall be drained from any junk or scrapped automobiles into containers and removed from the premises within twelve (12) hours from arrival of junked automobiles on the premises.
6. No garbage or organic waste shall be permitted to be stored on any junk yard.

E. Trash transfer station, subject to:

1. The facility must conform to the regulations of and have a valid permit from the Pennsylvania Department of Environmental Protection.
2. The entire operation must be carried out in an enclosed building.
3. No trash shall be stored on the premises overnight, unless it is stored in leakproof, flyproof, and rodentproof containers.
4. The facility is to be used by trash haulers only, and shall not be open to the public.
5. Trash transfer stations shall handle only solid waste of a nonhazardous nature.

F. Recycling collection center, subject to:

1. All materials shall be stored inside a building.
2. Gasoline, oil, or other flammable or toxic substances shall be removed from any recyclable materials, or other items stored in the premises. Such liquid shall be removed and disposed of in a proper manner and shall not be deposited on or into the ground.
3. No material shall be burned on the premises.

4. No garbage or other waste liable to give off a foul odor to attract vermin or insects shall be kept on the premises.

G. The collection, processing, bottling and distribution of surface water and groundwater, subject to:

1. A permit shall be obtained from the Pennsylvania Department of Environmental Protection.
2. A hydrologic study shall be submitted to the Township, which shall indicate the impact of water collection activities on surface water and groundwater supplies and quality in the general area of such activities.

Water collection activities shall not endanger surface water and groundwater levels and quality on nearby properties. Any person engaged in water collection activities under this Section who affects a public or private water supply by contamination or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the water supply.

3. Any person engaged in water collection activities shall post security with the Township in such form and amount as the Township Board of Supervisors may determine to be adequate to guarantee the restoration or replacement of any water supply or supplies which may be adversely affected by such water collection activities.
4. The operator shall post security with the Township to cover the cost to repair, reconstruct or resurface any public roads maintained by the Township which are damaged or subjected to excessive wear resulting from the use of said roads by the operator or others in connection with the water collection operations. In lieu thereof the operator may enter into an agreement with the Township to make an annual contribution to be used in the maintenance of said roads.
5. The failure to post such security or to adequately protect the surface water and groundwater levels and quality on nearby properties shall be grounds for revocation of the operator's certificate of occupancy by the Township Board of Supervisors and, in that event, an officer of the Township, in addition to other remedies, penalties and forfeitures provided in this Zoning Ordinance, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate any continuing violation of the provisions of this Ordinance by the operator.

H. Airport or heliport, subject to:

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1. Prior to use of the airport or heliport notification shall be made to the Federal Aviation Administration (FAA) of the intention to establish an airport and the FAA shall indicate it has no objection.
 2. Prior to use of the airport or heliport, the site shall be inspected and approved for licensing by the Bureau of Aviation, Pennsylvania Department of Transportation.
 3. The airport or heliport shall be constructed, operated, and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Pennsylvania Bureau of Aviation and the National Fire Protection Association.
 4. The permit to operate the airport or heliport shall be revoked if:
 - a. The Bureau of Aviation revokes its license.
 - b. The FAA withdraws its approval.
 - c. The site becomes or is operated in violation of this Ordinance or the rules and regulations of the Federal Aviation Administration or the Pennsylvania Bureau of Aviation or is operated in a manner different than approved by the Bureau of Aviation or the Township Supervisors.
 5. No night landings or take-offs shall be permitted.
- I. Sanitary landfill, subject to:
1. The service area shall include Ontelaunee Township and the landfill shall serve the resident of Ontelaunee Township on an equal basis with its other customers.
 2. All requirements of the Pennsylvania Solid Waste Management Act and regulations and standards of the Department of Environmental Protection relating to sanitary landfills shall be met. The applicant shall be required to submit any and all plans, applications, data, materials, studies, and information to the Township as is required to be submitted to the Pennsylvania Department of Environmental Protection pursuant to said Act, regulations and standards. All such materials shall be certified by the applicant to be true and correct copies of original materials filed with the Department. The applicant shall submit copies of all correspondence with the Department of Environmental Protection to the Township, regularly notify the Township of the status of this application to the Department, and notify the Township prior to any public hearing held on this application.

Prior to the onset of operation of the landfill, a permit must be obtained from the Pennsylvania Department of Environmental Protection for operation of the landfill.

3. The landfill shall be located so that safe and adequate access is available at all times. Any access road, as defined herein, to the proposed landfill shall be a minimum of twenty-four feet (24') paved cartway in width and paved with bituminous or concrete materials having a surface and base course of sufficient depth to withstand traffic loads, determined by the number and weight of trucks anticipated in a daily operation of the proposed landfill. The Township Board of Supervisors shall require that the cost of improvement of public access roads to provide this standard of access shall be assessed against the applicant either by requiring contribution of monies sufficient to pay for the improvements to the access roads, or by assessing dumping fees on the operation of said landfill sufficient to pay for the improvements to the access roads. Applicant shall give written assurance by corporate surety bond that, within one (1) year of the termination of the landfill operation, all access roads will be restored, if necessary, to their condition existing immediately prior to the commencement of the operation, as determined by the Township engineer.
4. The landfill site shall be properly fenced along the interior boundary of the buffer yard to prevent blowing papers and other refuse on adjoining properties. The fence shall be galvanized metal wire mesh constructed of No. 9 gauge wire woven in a two inch (2") mesh in full conformance with American Society of Testing Materials Specifications. The surface height of the fence shall be eight feet (8'), plus an additional minimum of three (3) strands of barbed wire, installed at least six inches (6") apart onto brackets affixed to the top of the fence at an angle forty-five degrees (45°) from vertical facing away from the landfill. The fence shall contain at all entrances gates which are locked except during business hours. In addition, temporary litter control fences shall be installed, in such manner as to prevent litter from dispersing from the landfill site, no more than seventy-five feet (75') downwind from the immediate operating area. The landfill site shall be adequately policed, and all litter shall be collected daily and incorporated into the landfill.
5. The landfill shall be located a minimum of one hundred feet (100') from any street not located within the landfill site and one hundred feet (100') from any adjoining property line.
6. A buffer yard shall be maintained along all boundaries of the landfill, except at entrances. All buffer yards shall include a planted landscape screen composed of both a low level and high level screen. The species and spacing of trees shall be approved by the Zoning Officer and shall be such to constitute an effective screen. The high level screen shall consist of a combination of evergreen and deciduous trees with no deciduous specimen less than eight feet (8') in height when planted and no more than

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twenty-five feet (25') apart on center. Evergreen trees shall be no less than six feet (6') in height when planted and spaced at intervals of not more than ten feet (10') on center. The low level screen shall contain two (2) staggered rows not more than ten feet (10') apart. The operator shall maintain the planted screen and replace any plant material which does not live within one (1) year of initial planting.

- 7. A certified copy of all reports, data, plans, and other material or information required to be submitted to Pennsylvania Department of Environmental Protection shall be submitted to the Township Board of Supervisors.
- 8. The following definitions apply:
 - a. "Access Road" – all roads, either public or private, within the Township which are used by vehicles weighing over twenty thousand (20,000) pounds, loaded, to transport solid waste to a landfill.
 - b. "Landfill" – a disposal facility or part of a facility where solid waste is placed in or on land.
 - c. "Landfill Site" – tract of land upon which is located a landfill, including all structures and other appurtenances or improvements erected thereon.
 - d. "Sanitary landfill" – a land site on which engineering principles are used to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation.

J. Bed and Breakfast, subject to the provisions of Section 538 of this Ordinance.

Section 412.4 Area, Yard, And Height Regulations (Except as noted elsewhere in this Ordinance)

Maximum Permitted

Building Height	90 feet
Lot Area Covered by Buildings	25 percent
Lot Area Covered by Impervious Surface	65 percent
Storage Height	25 feet

Minimum Requirements

Lot Size	75,000 sq.ft.
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Lot Width	
at street line	200 feet
at building setback line	200 feet
Front Yard	100 feet
Rear Yard	50 feet
Each Side Yard	50 feet
Distance Between Buildings	50 feet

All minimum side and rear yard dimensions shall be increased an additional one foot (1') for every one foot (1') a building height exceeds the height of forty feet (40'), up to ninety feet (90') in height.

All outdoor storage areas shall be fenced with a minimum six feet (6') high chain-link fence.

No building or accessory structure, storage, or parking or loading areas shall be located closer than two hundred feet (200') to any residential zoning district.

Ord. 2015-3, 12/3/2015, §6; as amended by Ord. 2017-2, 2/2/2017, §19-20; as amended by Ord. 2017-4, 4/6/2017, §4.

Section 413. Conservation Subdivision Overlay District

Section 413.1 Specific Intent

In conformance with the state enabling legislation, the purposes of this Section, among others, are as follows:

- A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- B. Contribute to the creation of a community wide greenway system for the benefit of present and future residents;
- C. Protect productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;
- D. Conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads;