

# CUSSEWAGO TOWNSHIP ZONING ORDINANCE



# 2014

# TABLE OF CONTENTS

---

<b>CUSSEWAGO TOWNSHIP COMMUNITY DEVELOPMENT OBJECTIVES .....</b>	<b>4</b>
<b>ARTICLE 1: BASIC PROVISIONS .....</b>	<b>5</b>
Section 101: Title	
Section 102: Effective Date	
Section 103: Defined Words	
Section 104: Community Development Objectives:	
Section 105: Zoning Map	
Section 106: Prohibited Conduct	
Section 107: Severability	
<b>ARTICLE 2: DISTRICT REGULATIONS .....</b>	<b>6</b>
Section 201: Zoning Districts	
<b>ARTICLE 3: GENERAL REGULATIONS .....</b>	<b>12</b>
Section 301: Floor Area Requirements	
Section 302: Lot and Yard Requirement	
Section 303: Non-Conforming Uses	
Section 304: Accessory Uses	
Section 305: Special Exceptions Accessory Uses	
Section 306: Communication Towers	
Section 307: Regulations Governing Communication Antennas and Communication Equipment Buildings	
Section 308: Regulations Governing Abandonment and Removal of Communications Antennas and Wind Energy Systems	
Section 309: Wind Energy Systems	
Section 310: Signs	
Section 311: Off-Street Parking	
Section 312: Off-Street Loading	
Section 313: Satellite Dishes	
Section 314: Recovery of Subsurface Gas & Oil Deposits	
Section 315: Mobile Home Parks	
Section 316: Multiple-Family Dwelling and the Conversion of Single-Family Residential Dwelling to Multiple-Family Use	
Section 317: Halfway House/Rehabilitation Center/Home	
<b>ARTICLE 4: VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USES .....</b>	<b>32</b>
Section 401: Special Exceptions	
Section 402: Conditional Uses	
Section 403: Variances	
Section 404: Applications	

- Section 405: Conditional Use Procedures
- Section 406: Procedures for Special Exceptions and Variances
- Section 407: Standards for Special Exceptions and Conditional Uses
- Section 408: Standards for Variance
- Section 409: Conditions
- Section 410: Use and Development Consistent with Board Decision
- Section 411: Expiration of Special Exceptions, Variances and Conditional Uses

<b>ARTICLE 5: ADMINISTRATION &amp; ENFORCEMENT</b>	.....	<b>36</b>
Section 501: Zoning Officer		
Section 502: Zoning Certificates		
Section 503: Applications		
Section 504: Violations		
Section 505: Appeals		
Section 506: Amendments		
 <b>ARTICLE 6: ZONING HEARING BOARD</b>	 .....	 <b>39</b>
Section 601: Zoning Hearing Board Creation and Appointment		
Section 602: Organization		
Section 603: Stormwater and Floodplain Matters		
Section 604: Procedure		
 <b>ARTICLE 7: DEFINITIONS</b>	 .....	 <b>41</b>
Section 701: Interpretation of Words		
Section 702: Meaning of Words		

## **CUSSEWAGO TOWNSHIP COMMUNITY DEVELOPMENT OBJECTIVES**

---

- Conflicting non-farm land uses shall be discouraged in areas where productive agriculture exists by discouraging paved roads and public utilities in agricultural areas.
- Lands which have no concentration of active farm operations, and which are located outside the area feasible to be served by public sewerage, shall be encouraged to develop for low-density uses in keeping with constraints on development implicit in the land itself.
- Future retail development proposed for Cussewago Township shall be controlled and guided to minimize adverse influences on adjacent roads and land values.
- To encourage existing agricultural activities to remain functioning and to promote their expansion where possible, but not to consider residential activities incompatible with agricultural activity.
- To encourage concentrated medium density residential development in portions of the Township that is accessible to public utilities and has no physical land restraints.
- To devise a priority system for the maintenance and possible paving of Township roads based on such factors as the number of residences served by a particular road, whether the road borders the Borough, and whether the road provides a connection between two paved roads.
- To hold development densities low in areas of the Township that are accessed by gravel roads on steep gradients.
- To regulate the creation of new roads through the use of a Subdivision and Land Development Ordinance to insure that new roads could be later be taken over by the Township, provided the roads meet Township criteria.
- Building lot sizes should be regulated so that they are adequate enough to handle on-lot sewage systems but small enough so that a later conversion to public sanitary sewer and water service systems can occur without economic hardship to the property owners.
- The Township shall encourage the dedication of open space park land in all new major subdivisions.
- Subdivision activity within Cussewago Township shall be regulated to ensure that acceptable standards are adhered to in all new residential development and to protect the natural quality of the area from unwise exploitation.

## ARTICLE 1 - BASIC PROVISIONS

---

- 101 TITLE:** This Ordinance may be cited as Cussewago Township Zoning Ordinance.
- 102 EFFECTIVE DATE:** This Ordinance shall take effect on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
- 103 DEFINED WORDS:** Words used in a special sense in this Ordinance are defined in Article 8.
- 104 COMMUNITY DEVELOPMENT OBJECTIVES:** The Community Development Objectives which are the basis for the provisions of this Ordinance are set forth in the Comprehensive Plan as adopted by the Township Supervisors on August 14, 2007.
- 105 ZONING MAP:** A map entitled "Cussewago Township Zoning Map" is hereby adopted as a part of this Ordinance. This Zoning Map shall be kept on file for examination in the office of the Township Secretary in the Municipal Building.
- 106 PROHIBITED CONDUCT:** No structure as defined in Article 1, Structure: of this Ordinance, or building shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure, building or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance. Alterations to building interiors not affecting the external form and size of a building, including additions of shingling, or siding involving no change in building form, or substantial change in its size, shall not require a zoning application and permit; however, depending on the nature and cost of such work a building permit may be required.
- 107 SEVERABILITY:** If any provisions of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

## ARTICLE 2 - DISTRICT REGULATIONS

**201 ZONING DISTRICTS:** The Township is divided into the zoning districts stated on Table 201 and as shown on the Zoning Map.

**TABLE 201**

<b>DISTRICT</b>	<b>DISTRICT NAME</b>	<b>PAGE</b>
(C-1)	CONSERVATION	6
(A-1)	AGRICULTURE	7-8
(RR)	RURAL RESIDENTIAL	9
(V)	VILLAGE	10-11

### (C-1) CONSERVATION

**Permitted Uses:**

- Agriculture
- Open Land Recreation
- Public Parks
- Churches and Places of Worship
- Accessory Uses
- Bed and Breakfast

**Conditional Uses:**

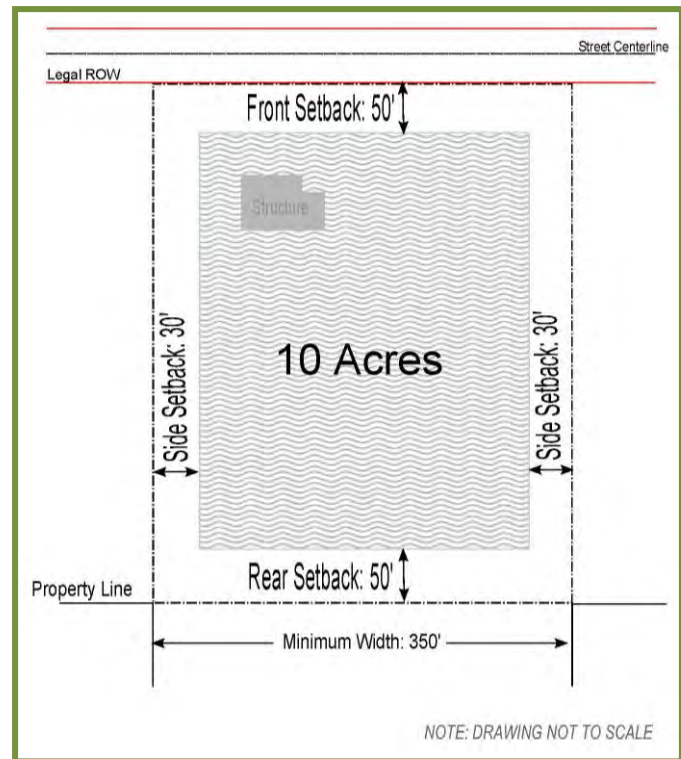
- Public Building
- Single Family Dwelling
- Cemeteries

**Special Exception Uses:**

- Wind Energy Systems
- Communications Towers

**BULK REQUIREMENTS :**

<u>Minimum Lot Area</u>	10 Acres
<u>Lot Area per single family dwelling</u>	10 Acres
<u>Lot Width</u>	250 Feet
<u>Front Yard</u>	50 Feet
<u>Side Yard</u>	30 Feet
<u>Rear Yard</u>	50 Feet



## (A-1) AGRICULTURAL

### Permitted Uses:

- Agriculture
- Open Land Recreation
- Parks
- Schools
- Churches and Places of Worship
- Single-Family Dwelling
- Cemeteries
- Greenhouses
- Accessory Uses
- Bed and Breakfast
- No-Impact Home Based Businesses

### Conditional Uses:

- Planned Residential Development
- Home Occupation
- Two Family Dwelling
- Public Utility Structure
- Non-Profit Clubs and Lodges
- Public Buildings
- Public Utility Structures
- Child Care Centers
- Greenhouses
- Supply and Construction Yards
- Animal Hospitals

### Special Exception Uses:

- Medical or Dental Clinic
- Private Airport
- Mobile Home Parks
- Rest Home
- Halfway House/Rehabilitation Center/Homes
- Wind Energy Systems [See Section 309]
- Communications Towers subject to the Standards for Communications Towers and Communications Equipment Buildings as Special Exceptions set forth herein Section 306. [See Section 305 Accessory Uses]

**Location Requirements:** Standards governing the location of non-agricultural buildings and uses in Agricultural Zoning District are as follows:

1. A building for Residential Use shall be located on land which is less suitable for agricultural production and such related uses including the growing of timber, than other lands within the Agricultural District. This determination shall be based on an

evaluation of various physical and economic factors including, but not limited to the following:

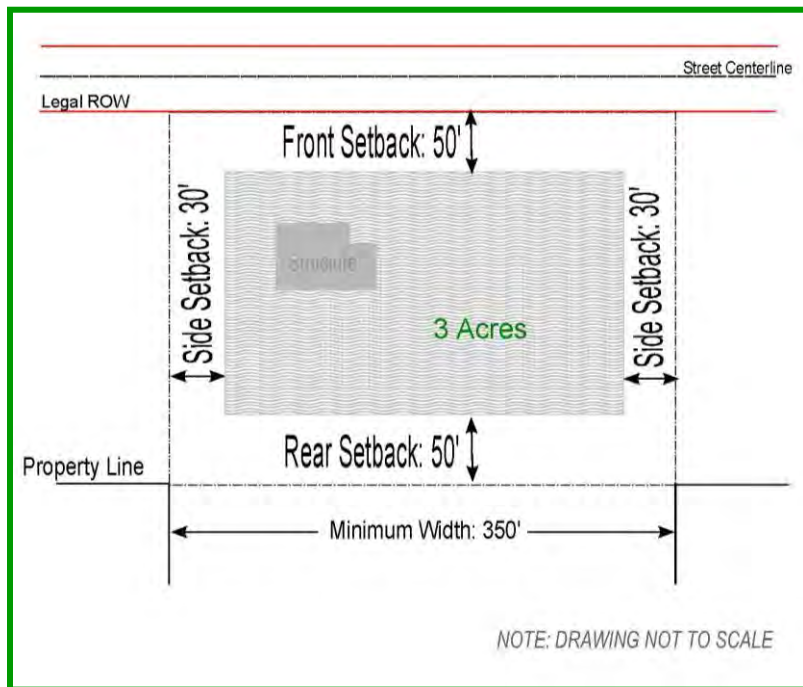
- a. The quality of the soils and their productivity for agricultural use.
- b. The degree of slope on the land.
- c. The existence of physical features such as streams and rock out-cropping which make agricultural activity uneconomic.
- d. The existence of forest cover which is prohibitive to clear for agricultural use.
- e. Property ownership patterns existing at the adoption of the Zoning Ordinance which make it impractical to aggregate sufficient land for productive agriculture.

(1) Any non-agricultural development shall be carefully located so that it will not impair the agricultural use of the surrounding lands. Use of wooded areas, streams, valleys, steep slope areas, and other similar features should be employed in locating non-farm related housing from active farming areas. Subdivided lot lines shall reflect natural features and not fragment good agricultural land wherever practical.

(2) The minimum lot size for each residential use shall be 3 acres.

**BULK REQUIREMENTS:**

<u>Minimum Lot Area:</u>	3 Acres
<u>Lot Area Per Family</u>	3 Acres
<u>Lot Width</u>	350 Feet
<u>Front Yard</u>	50 Feet
<u>Side Yard</u>	30 Feet
<u>Rear Yard</u>	50 Feet





## (RR) RURAL RESIDENTIAL

### Permitted Uses:

- Single-Family Dwelling
- Two Family Dwelling
- Parks, Schools, Open Land Recreational Activities
- Churches and Places of Worship
- Public Buildings
- Agriculture
- Accessory Uses
- Bed and Breakfast
- No-Impact Home Based Businesses

### Conditional Uses:

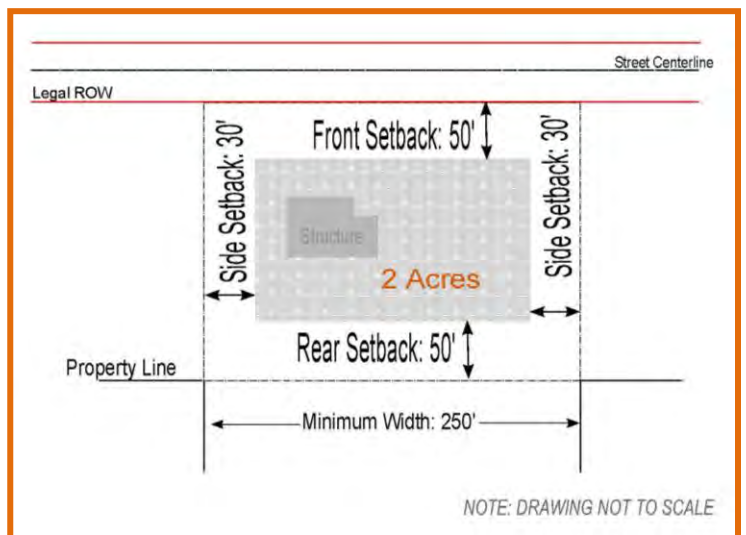
- Planned Residential Development
- Home Based Business
- Clinic
- Public Utility Structure
- Cemeteries
- Auto and Truck Repair Establishments
- Motor Vehicle Sales and Service
- Mobile Home and Travel Trailer Sales
- Welding
- Warehousing
- Greenhouses
- Animal Hospitals

### Special Exception:

- Wind Energy Systems [See Section 309 and Section 305 Accessory uses]

### BULK REQUIREMENTS:

<u>Minimum Lot Area</u>	2 acres
<u>Lot Area Per Family</u>	5,000 Sq Ft
<u>Lot Width</u>	250 Feet
<u>Front Yard</u>	50 Feet
<u>Side Yard</u>	30 Feet
<u>Rear Yard</u>	50 Feet



## (V) VILLAGE

### **Permitted Uses:**

- Single-Family Dwelling
- Two Family Dwelling
- Parks, Schools
- Churches and Places of Worship
- Accessory Uses
- Offices
- Bed and Breakfast
- No-Impact Home Based Businesses

### **Conditional Uses:**

- Home Based Business
- Planned Residential Development
- Bakeries
- Multiple-Family Dwellings
- Funeral Homes
- Convalescent and Rest Homes
- Child Care Centers
- Non-Profit Clubs and Lodges
- Philanthropic and Charitable Institutions
- Rooming and Boarding Houses for Three or More Roomers
- (Conversion of) Single Family Residential Dwelling to Multiple Family Dwelling
- Retail Stores
- Service Shops
- Eating and Drinking Places
- Offices
- Banks
- Auto and Bicycle Sales and Repairs
- Commercial Recreation
- Commercial Schools
- Hospitals and Clinics
- Public Buildings
- Public Utility Structures
- Accessory Uses
- Philanthropic and Charitable Institutions
- Rooming and Boarding Houses
- Laundromats
- Printing Establishments with not more than ten employees on the premises in addition to one owner or manager
- Medical and Dental Laboratories

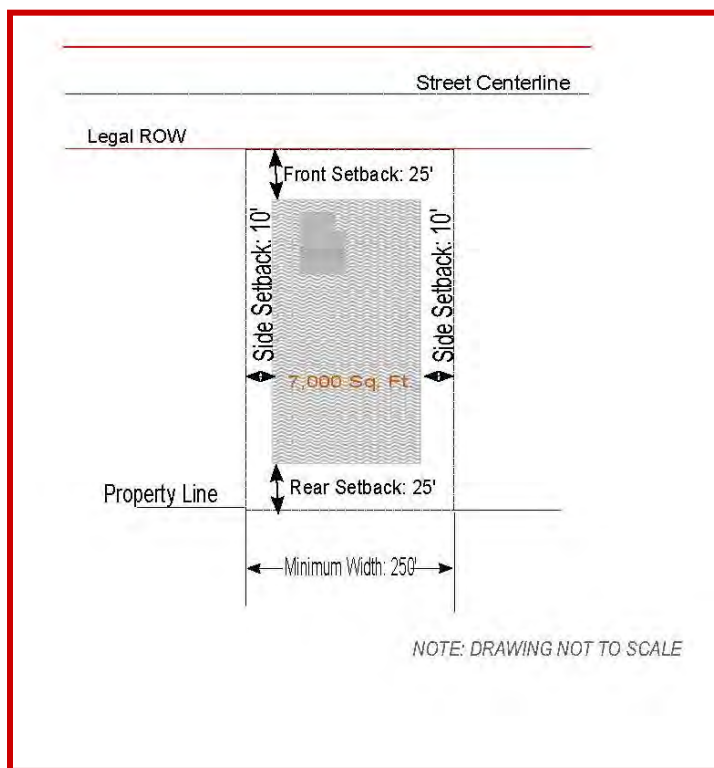
### **Special Exception Uses:**

- Light Manufacturing
- Motels

Gas Stations  
Restaurants  
Shopping Center  
Auto and Truck Repair Establishments  
Motor Vehicle Sales and Service  
Mobile Home and Travel Trailer Sales  
Welding  
Animal Hospitals  
[See Section 305 Accessory Uses]

**BULK REQUIREMENTS:**

<u>Minimum Lot Area</u>	7,000 Square Feet
<u>Lot Area Per Family</u>	1,500 Square Feet
<u>Lot Width</u>	60 Feet
<u>Front Yard</u>	25 Feet
<u>Side Yard</u>	10 Feet
<u>Rear Yard</u>	25 Feet



## ARTICLE 3 - GENERAL REGULATIONS

---

**301 FLOOR AREA REQUIREMENTS:** No single-family dwelling shall have a floor area of less than 720 square feet.

**302 LOT AND YARD REQUIRMENTS:** The minimum lot area, minimum width of lot, minimum depth of front yard and minimum width of each side yard for each district is stated within their district bulk requirements in Article 2

**302.1** 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. However, the following specified structural projections and obstructions shall be allowed:

(a) Fences and walls not more than 3 ½ feet in height in front yard area– not less than 6 inches from the lot line - V

(b) Fences and walls not more than 6 feet in height in areas except front yard area – not less than 6 inches from the lot line - V

(c) Flag Poles – not less than 3 feet from any lot line

**302.3** Where septic tanks or on-lot sewage treatment occurs, the minimum lot size shall not be less than required by percolation tests, or such other requirements by the Department of Environmental Protection or its agent, and in no case shall it be less than one-half acre.

**303 NON-CONFORMING USES:** The following provisions shall apply to all non-conforming uses:

**303.1** Any lot of record existing at the effective date of this Ordinance and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this Ordinance.

**303.2** Any lawful use of a structure or land existing at the effective date of this Ordinance, may be continued although such use does not conform to the provisions of this ordinance. Such lawful use may be sold, leased, conveyed or otherwise legally transferred and the new owner may continue such lawful non-conforming use.

**303.3** A zoning certificate may be obtained within one year by the owner of any non-conforming use as evidence that the use lawfully existed prior to the adoption of the provision which made the use non-conforming.

**303.4** Extensions of the non-conforming use of a building.

**a.** A non-conforming use of a building may be extended throughout the building if no structural alterations are made therein; and, provided, it is specifically authorized as a special exception by the Zoning Hearing Board, such extension may include structural alterations.

**b.** A non-conforming use of a building or land may be enlarged or expanded upon a lot which was a lot of record at the effective date of this Ordinance when authorized as a special exception by the Zoning Hearing Board; providing, however, that such extension does not replace a conforming use, that it does not extend or expand the building or land occupied by the non-conforming use more than twenty-five (25) percent of the area it occupied at the effective date of this Ordinance and that all yard, height, and area requirements for the district in which it is located are met. A building expansion, for the purposes of this Ordinance may be considered to be an enlargement of the bulk or area of the existing building, or the construction of detached and separate building bulk or area.

**303.5** A non-conforming use of a building or land may be changed to a use of an equal or more restricted classification but not to a use of less restricted classification.

**303.6** A non-conforming building which is nonconforming as to use or bulk regulations, that has been damaged or destroyed by fire, windstorm, explosion, or a similar cause determined to be no fault of the owner may be rebuilt provided that the owner applies for and receives authorization for such rebuilding from the Zoning Hearing Board in accordance with the following standards:

**a.** If the damage is less than seventy-five (75)- percent of the fair market value prior to destruction, rebuilding may take place upon the original foundation; however, if any expansion is proposed and approved, the rebuilding shall be controlled by the standards for expansion of non-conforming uses and all yard and area requirements for the district in which it is located.

**b.** If the damage is greater than seventy-five (75) percent of the fair market value prior to destruction, rebuilding shall conform with all use and yard and area requirements for the district in which it is located.

**303.7** In the event that any non-conforming use, conducted in a structure or on the land, ceases or is abandoned, for whatever reason, for the period of one year, such non-conforming use shall not be resumed.

**304** **ACCESSORY USES:** Accessory uses and structures shall be defined and interpreted in this Ordinance to include, but not be limited to, the following:

**a.** Garages

- b. Toolhouses and other similar structures for the storage of accessory supplies
- c. Swimming pools and tennis courts
- d. Signs as regulated in this Ordinance
- e. Accessory radio and television antennas when less than twelve (12)- feet above the building on which they are mounted
- f. Greenhouses used to grow plants either as a hobby for the resident's personal use, or used in compliance with requirements for a home occupation as established in this Ordinance.
- h. Storage of building materials and equipment and temporary structures for on-site construction purposes in the (A-1) Agricultural, (RR) Rural Residential and (V) Village Development Zoning Districts, for a period not to exceed the duration of active construction. For purposes of this provision, a temporary use permit approved by the Township Zoning Officer shall be required. A temporary use permit shall only be issued for a maximum period of one (1)-year and shall become effective on the date the permit is approved by the Zoning Officer.
- i. Temporary storage structures and/or trailers used in connection with any lawful trade or business in the (A-1) Agricultural (RR) Rural Residential District or (V) Village District. Provided, however, that a temporary use permit for temporary storage structures and/or trailers used in connection with any lawful trade or business shall only be issued for a maximum period of 180-days and shall become effective on the date the permit is approved by the Zoning Officer. Moreover, such temporary storage structures and/or trailers used in connection with any lawful trade or business shall not exceed fifty (50)-feet in length. Provide, further, that there shall be no more than one (1)-temporary storage structure and/or trailer permitted pursuant to these provisions.

### **304.1 Regulations for Temporary Structures**

In approving an application for a temporary use permit under these provisions, the Zoning Officer may impose conditions that are deemed necessary to ensure that the permit will be in accordance with the requirements of this Zoning Ordinance and will not otherwise affect the health, safety and welfare of residents of the Township. The fee for a temporary use permit shall be established by the Township Supervisors.

The Zoning Officer may revoke any approved temporary use permit if the Zoning Officer determines that the permit was obtained by misrepresentation or fraud; that the use for which the permit was granted has ceased or has been suspended for forty-five (45)-days; that the conditions of the permit have not been met; or the permit granted is being or has recently been determined to be contrary to the terms of the approval or in violation of a specific statute, ordinance, law or regulation.

A written determination of revocation of the temporary use permit shall be mailed to the property owner and the permit holder within ten (10)-days of such determination.

Any person may appeal the approval, conditions of approval, denial, or revocation of a temporary use permit to the Zoning Hearing Board in accordance with the appeal procedures of this Zoning Ordinance and the Municipalities Planning Code.

Notice of any approved temporary use permit shall be posted on the subject property.

The location or placement of any such temporary storage structure and/or trailer shall further be required to meet all existing setbacks as required by the Zoning Ordinance in the zoning district within which it is located. Moreover, the location shall not be on, or encroach upon, any public or private rights of way.

Nothing in these regulations shall be interpreted to include toolhouses and other similar structures for the storage of accessories and supplies as set forth in Section 302 b.

#### **304.2 Accessory Farm Uses and Structures**

**a.** Accessory farm buildings shall not be erected within one hundred (100)- feet of a neighboring property.

**b.** Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within three hundred (300)-feet of a neighboring property.

**c.** Roadside stands for sale of home grown fruits and vegetables shall be permitted if they are erected at least thirty (30)- feet off the road and parking space is provided off the road.

#### **304.3 Swimming Pools.**

Every swimming pool shall be enclosed by a fence or wall not less than six feet high to prevent uncontrolled access by small children.

#### **304.4 Motor Vehicle Storage.**

The exterior storage of not more than one motor vehicle which does not have a current inspection sticker shall be considered an accessory use, but two or more shall constitute an auto salvage yard and shall not be permitted as an accessory use.

### **305 SPECIAL EXCEPTION ACCESSORY USES:**

The following uses may be authorized as special exceptions provided they meet the applicable general standards for granting a Special Exception and the more particular requirements as established hereunder;

- a.** Living quarters in an accessory structure as an accessory use to a single family house to accommodate domestic employees or a single member of the immediate family of the residents of the principal building.
- b.** Living quarters for not more than two non-transient roomers as an accessory use to a single-family house provided that no sign is displayed.
- c.** Directional signs of a reasonable size in connection with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry.
- d.** Home occupations in the (A-1), (RR) and (V) zoning districts of this Ordinance providing, (a) there is no sign other than a name plate as permitted in Section 304.1 of this Ordinance, or no display that will indicate from the exterior that the building is being utilized in part, for any purpose other than a dwelling, (b) there is no commodity sold upon the premises except that which is produced by such home occupation, (c) there is no one employed or engaged in such home occupation except a member or members of the immediate household living on the premises, (d) there is no type of mechanical or electrical equipment used except as might normally be used for domestic and vocational purposes, (e) there is no electrical disturbance that would affect radio, television, or other equipment in the vicinity, (f) the use generates no more than 10 vehicular trips to and from the premises at the busiest hour of the normal operating day, (g) outdoor work, service, and storage areas, if any, shall be screened from the view of public roads and from adjacent residences, (h) and there shall be no noise, odor, dust, fumes, glare, or flashing light which is perceptible without instruments more than 50 feet from the boundaries of the lot.

### **306 COMMUNICATION TOWERS**

- a.** The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communication Antennas.
- 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 governing human exposure to electromagnetic radiation.
- c.** Communications Towers shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation (BOA) and applicable 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 an existing Building, Structure or Communications



Tower. A good faith effort shall require that all owners of potentially suitable structure within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that (1)-or more of the following reasons for not selecting such Structure apply.

- i.** 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.
  - ii.** 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.
  - iii.** 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.
  - iv.** Addition of the proposed Antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - v.** 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 (20)-feet in width and shall be improved to a width of at least ten (10)-feet with a dust-free, all 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 so long as the leased parcel meets the minimum lot size requirements for the Zoning District.
- g.** Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications Equipment Building is unmanned.
- h.** Height. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function.

In all Zoning Districts, the maximum height of any Communications Tower shall be one-hundred and fifty (150)-feet; provided however, that such height may be increased to no more than two-hundred (200)-feet, provided the required setbacks from all property lines (not lease lines) are increased by one (1)-foot for each one (1)-foot of height in excess of one-hundred and fifty (150)-feet.

**i.** Setbacks. The foundation and base of any Communications Tower shall be set back from a property line (not lease line) located in any Zoning District at least one-hundred (100)-feet and shall be set back from any other property line (not lease line) at least fifty (50)-feet.

**j.** Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. Cussewago Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

1. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.

2. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

**i.** The Communications Equipment Building shall comply with the required yard and height requirements of the applicable Zoning District for an accessory structure.

**ii.** 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.

**iii.** The site of a Communications Tower, which shall include tower and all supporting structures, shall be secured by a fence which shall otherwise comply with the Cussewago Township Zoning Ordinance, with a maximum height of eight (8)-feet to limit accessibility by the general public.

**iv.** No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, the Federal Aviation Administration or other governmental agency which has jurisdiction.

**v.** Communication Towers shall be protected and maintained in accordance with the requirements of the Township's applicable Building Code.

**vi.** One (1)-off street parking space shall be provided within the fenced area.

**k.** Minimized Visibility. All communications towers must be stealth towers, where possible. A stealth tower is a Communications Tower which is not recognizable as a conventional Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo. All towers shall be of a monopole design unless the Planning Commission deems that an alternate design is necessary or preferred due to topography or to better blend with existing structures, for safety reasons, or if necessary to allow for co-location. Towers are required to attempt to be camouflaged to simulate a natural feature, such as a tree, or other camouflaged design, such as a flagpole, thereby reducing the aesthetic impact to the surrounding area.

**i.** The Zoning Hearing Board may at its discretion, require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps, alternate site analysis; lists of other nearby telecommunications facilities; or facility design alternatives for the proposed tower.

**ii.** The Zoning Officer is authorized to employ on behalf of the Township, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis.

**l.** The Zoning Hearing Board may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height; screening; number of uses per owner, including public uses; location; and actual setbacks.

**m.** 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 / Telecommunications Industry Association and applicable requirements of the Township's Building Code.

**n.** 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 \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.

**307 REGULATIONS GOVERNING COMMUNICATIONS ANTENNAS and COMMUNICATIONS EQUIPMENT BUILDINGS:**

**307.1** Building mounted Communications Antennas shall not be located on any single family dwellings or two family dwellings.

**307.2** Building mounted Communication Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20)-feet. Omnidirectional or whip Communications Antennas shall not exceed twenty (20)-feet in height and seven (7)-inches in diameter.

**307.3** Directional or panel Communications Antennas shall not exceed five (5)-feet in height and three (3)-feet in width.

**307.4** An application for installation of a Communications Antenna shall include the following information

**a.** 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.

**b.** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township Zoning Officer for compliance with applicable law.

**c.** Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the Antennas are to be mounted so that installation and maintenance of the Antennas and Communications Equipment Building can be accomplished.

**307.5** Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

**a.** Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Borough.

**307.6** A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

**307.7** The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such Antennas.

**308 REGULATIONS GOVERNING ABANDONMENT AND REMOVAL OF COMMUNICATIONS ANTENNAS and WIND ENERGY SYSTEMS:**

**308.1** The owner of any communications tower or antenna or Wind Energy System shall provide written notice to the Cussewago Township Zoning Officer within thirty (30)-days of the occurrence of either or both of the following:

- a. The tower or antenna or wind energy system has changed ownership;
- b. Use of all telecommunication tower or antennae on the tower has ceased.

**308.2** All towers and antenna, or wind energy system permitted under the requirements of these regulations that are not operated for a continuous twelve (12)-month period shall be considered abandoned, and the owner of such tower or wind energy system shall remove same within ninety (90)-days of receiving notice from Cussewago Township. The failure to do so shall be a violation of this Ordinance. The owner of the tower or antenna or wind energy system may appeal within thirty (30)-days of the date of the notice of removal provided hereunder to the Zoning Hearing Board. At such hearing, the owner shall be required to show just cause why the tower or antenna should not be considered abandoned and subject to removal.

**308.3** When abandoned, the Township all have the right, pursuant to an Order of the Court, to have the tower or antenna removed at the Owner's expense so that it does not create a nuisance, and to recover the Township's costs from the owner of the Tower or Antenna or the landowner.

**309 WIND ENERGY SYSTEMS**

**309.1 Application.** An application for a Wind Energy System shall include the following information in addition to the other application information for a Zoning Permit.

- a. Scaled site plan showing the location of the Wind Energy System facilities, surrounding land uses within five hundred (500)- feet, and boundaries of the site and surrounding properties.
- b. Information concerning topography, adjacent land uses, and intended use of the Wind Energy System.
- c. Information concerning the ownership of the land and agreements, if any, pertaining to its use for a Wind Energy System.
- d. Location and elevation of the proposed Wind Energy System.
- e. Location of all above-ground utility lines on site or within an one half (1/2)-mile radius of the Wind Energy System.
- f. Location and size of structures and trees above 35 feet within a 500-foot

radius of the proposed Wind Energy System. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures.

- g.** Information concerning the make, model, picture and manufacturer's specifications, including noise decibels.
- h.** Where applicable, the location of all transmission facilities proposed for installation.
- i.** Information about the setback distances between the proposed Wind Energy System and nearby residential and commercial structures, public roads and property lines.
- j.** Where applicable, the location of all road and other service structures proposed as part of the installation.

**309.2 Setbacks.** Wind Energy System facilities shall be set back from the property line as follows:

- a.** Setback Residential. A Residential Wind Energy System shall be set back from all property lines and above-ground utility lines a distance greater than its overall height, including blades.
- b.** Setback Commercial. A Commercial Wind Energy System shall be set back from all property lines and any above-ground utility lines a minimum distance of its overall height, including blades, plus fifty (50)- feet.
- c.** Setback – Multiple Adjacent Systems, In cases of more than one Wind Energy System on a property, the property line setback shall apply and the separation of one Wind Energy System from another shall be a distance equal to or greater than one and one half (1-1/2)- times the distance from the existing grade at the foot of the tower to the top of the blade or rotor system,
- d.** Guy wires: Anchor points for guy wires for the Wind Energy System tower shall be located within property lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six (6)-feet high. All guy wires and anchors shall be located at least twenty-five (25)- feet from property lines.
- e.** Contiguous property owners may construct a residential Wind Energy System for use in common, provided that the required setback is maintained relative to the property lines of non-participating property owners.

**309.3 Height.** The minimum height of the lowest part of the Wind Energy System shall be thirty (30) feet above the highest existing major structure or tree within a 250-foot radius, For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures. The maximum height of a **Residential Wind**

**Energy** System shall be seventy (70)- feet. The maximum height of a Commercial Wind Energy System shall be determined by the Board based on information submitted by the applicant, recognized industry standards, and public safety requirements.

#### **309.4 Minimum Lot Standards**

- a.** A minimum lot size of one (1) acre is required for location of a Wind Energy System.
- b.** The maximum number of Residential Wind Energy System towers is one per lot and one per contiguous lots held in common ownership.
- c.** There shall be no more than one Commercial Wind Energy System tower for every five (5) acres.

#### **309.5 Design, Installation and Safety Standards.**

- a.** Design Safety Certification. The design of the Wind Energy System shall conform to applicable industry standard, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Verites, Gemianisoher Lloyd Wind Energies, or other similar certifying organizations.
- b.** Uniform Construction Code. To the extent applicable, the Wind Energy System shall comply with the Pennsylvania Uniform Construction Code.
- c.** Controls and Brakes. All Wind Energy Systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed control (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- d.** Electrical Components. All electrical components of the Wind Energy System shall conform to relevant and applicable local, *state*, and national codes, and relevant and applicable international standards.
- e.** Visual Appearance. Wind Energy Systems shall be a non-reflective, non-obtrusive neutral color.
- f.** Lighting. Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that requires air *safety*.
- g.** Signage. Wind Energy Systems shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner, and operator.

**h.** Power Lines. On-site transmission and power lines between the Wind Energy System towers shall, to the maximum extent practicable, be placed underground.

**i.** Warnings. A clearly-visible warning sign concerning the voltage must be placed at the base of all pad-mounted transformers and substations. Also, all guy wires shall be marked with visible, reflective, colored objects, such *as* flags, reflectors or tape, from the anchor point of the guy wire up to a height of ten (10)- feet from the ground.

**j.** Climb Prevention/Locks. Wind Energy System towers shall not be climbable up to 15 feet above the ground surface, All access doors to Wind Energy System towers and electrical equipment shall be locked or fenced as appropriate to prevent entry by non-authorized persons.

**k.** Utility Connections. If the Wind Energy System is to be connected to a public utility system or grid, the connection must be approved by the utility and notice of such approval must be given to the Township, and the system must be connected and maintained in accordance with the utility's standards and requirements.

### **309.6 Nuisance Reduction Standards**

**a.** Noise. Audible sound from a Wind Energy System shall not exceed 45 dBA, as measured by a trained professional, at 2,000 feet from the center of the turbine. Methods for measuring and reporting acoustic emissions from wind turbines and the Wind Energy System shall be equal to or exceed the *minimum* standards for precision described in AWEA Standard 2.1 – 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

**b.** Shadow Flicker. The facility owner and operator shall site the turbine to prohibit shadow or reflective flicker to any occupied building or nonparticipating landowner's property.

**c.** Signal Interference. The applicant/owner-operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall *mitigate any* harm caused by the Wind Energy System.

### **309.7 Administrative Requirements**

**a.** Ownership. The Township shall be notified of any change in ownership of Commercial Wind Energy Systems and of the utilities to which the systems are connected.

**b.** Safety. In the event the Wind Energy System is determined to pose a safety hazard, notice shall be given to the Township and corrective action must be taken to eliminate the hazard.



c. Abandonment. If a Wind Energy System is not maintained in operational condition for a continuous period of 1 year, the system shall be considered abandoned and the owner shall remove the structure within 180 days thereafter.

d. Emergency Contacts. The facility owner and operator shall provide information to the Township and emergency services personnel concerning persons who can be readily contacted in the event of an incident or complaint and acceptable means of contacting those persons.

**310 SIGNS:** No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

**310.1** In any district and for all home occupations a sign not exceeding six (6) square feet in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

**310.2** A bulletin board not exceeding twenty-four (24)-square feet is permitted in connection with any church, school or similar public structure.

**310.3** A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

**310.4** Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements.

a. Signs shall not contain information or advertising for any product not sold on the premises.

b. Signs shall not have a combined aggregate surface size greater than thirty-two square feet.

c. Signs shall not project over public rights-of-way.

d. Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

**311 OFF-STREET PARKING:** Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. The spaces shall be on the site where the new use is established or in the same zoning district provided the spaces are not more than two hundred (200)-feet from the use served.

**USE**

**PARKING SPACES REQUIRED**

Dwelling	Two for each dwelling unit
Church, School	One for every four seats in largest meeting room
Stores, Shops, Restaurants, and Clubs, Funeral Homes; Lodges; Banks	One for every 100 square feet of public floor space
Business Services, Warehouses, Professional Offices; Animal Hospitals	One for every 250 square feet of net floor area
Light Manufacturing Plants; Offices; Philanthropic and Charitable Institutions; Repair Shops; Bakeries	One for every two employees
Medical & Dental Clinics	One for every two beds
Public Buildings	One for every two employees and one for each 7000 square feet of new floor area.
Child Care Centers	One for each two teachers and employees.
Convalescent and Rest Homes	One for each five beds plus one for each six employees including doctors.
Rooming and Boarding Houses	One for each two dwelling units

**311.1** No off-street parking space shall have an area less than two hundred (200)-square feet exclusive of access drives.

**311.2** Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

**311.3** Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any (RR) or (V) District.

**312 OFF-STREET LOADING:** One off-street loading berth of not less than thirty-five (35)-feet by ten (10)-feet shall be provided for every business and light industrial use with a floor area of more than 10,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

**313 SATELLITE DISHES:**

**a.** Satellite disks may be permitted as a special exception by the Zoning Hearing Board in all zoning districts and subject to the manner of installation as follows:

**i.** Ground mounted dishes shall comply with all yard setback regulations as required by principal structures of the applicable district. In order to be compatible with adjacent uses the Zoning Hearing Board may require the dish be painted a color other than white.

**ii.** Roof mounted dishes when mounted on single family, two family detached or semi-detached dwellings, mobile homes or modular dwellings shall comply with all height regulations as required in the applicable district and shall be a maximum of four (4)-feet in diameter.

**b.** The Zoning Hearing Board in acting upon requests under this section shall be governed by the procedures set forth for the issuance of special exception permits.

**314 Recovery Of Subsurface Gas And Oil Deposits**

Oil and Gas Operations, As defined under the Pennsylvania Oil and Gas Act, as adopted by Act 13 of 2012, as same may be amended, shall be permitted in all zoning districts, subject to the setbacks required under the Oil and Gas Act and the following provisions.

**a.** A zoning permit shall be obtained before any activity *is* begun at a site. No construction shall occur without permits properly issued by the DEP and other governmental agencies, as applicable.

**b.** Compressor Stations shall be permitted in the Agricultural Zoning District, and shall be permitted as “Conditional Uses” in all other Zoning Districts, subject to the noise and setback requirements set forth in the Oil and Gas Act.

**c.** Gas Processing Plants shall be permitted as a “Conditional Use” only in the Agricultural Zoning District, subject to the noise and setback requirements set forth in the Oil and Gas Act.

**315 MOBILE HOME PARKS:** Mobile home parks shall be permitted in the Agricultural Zoning District by Special Exception only if in accordance with all applicable laws and the requirements following.

**315.1 ETC** All permits needed for construction and operation of the Park have been or are being obtained, such as permits for a water system and sewage system.

**315.2** Mobile homes, modular units, and double-wide, triple-wide, and expandable mobile homes are permitted for installation in the park.

**315.3** The minimum gross area of the site shall be ten (10) contiguous acres and the land shall not be subject to hazards of insect or rodent infestation, or flooding.

**315.4** The minimum width of the portion of the site used for vehicular access from the public roadway shall be sixty (60)- feet.

**315.5** The locations of the mobile home stands (that part of the mobile home lot reserved for placement of the mobile home) shall be carefully related to site topography and to each other, preserving as much as possible of the natural site.

**315.6** Mobile home lots within the park shall be a minimum of 3,500 square feet; modular home lots and double, triple, and expandable mobile home lots shall be a minimum of 5,500 square feet; lots shall be directly accessible to the internal street system, and there shall be provided on each lot a patio area of at least 100 square feet with a least dimension of ten (10)-feet. One and one-half (1-1/2) off-street parking spaces shall be provided for each mobile home lot, one of which shall be located on the mobile home lot itself; each off-street parking space shall contain a minimum of two hundred (200) square feet with a least dimension of ten (10)-feet. Driveways, parking spaces, and patios shall be constructed with a permanent, paved stable, dust-free surface adequate for use during all seasons.

**315.7** Mobile home stands shall be constructed of an appropriate material in accordance with the requirements of the Uniform Construction Code. A gradient on the mobile home stand shall occur in only one direction perpendicular to an edge, and shall be a maximum of four (4) degrees in gradient.

**315.8** There shall be a minimum distance of twenty (20)- feet between each individual mobile home, including accessory structures attached thereto, and any portion of any other mobile home or any other structure in the mobile home park. There shall be a minimum distance of fifteen (15)- feet between each individual mobile home and the nearest abutting internal street, pedestrian walkway, or internal park. There shall be a minimum distance of fifty (50)- feet between each individual mobile home and the mobile home park property lines.

**315.9** The internal street system shall be privately owned and maintained and shall be designed for safe and convenient access to all mobile home lots and to any facilities for common use by park occupants. Streets shall provide a sound, all-weather driving surface, be reasonably smooth and free from mud, dust and standing water. Streets shall be a minimum width of fourteen (14)-feet for one-way streets and eighteen (18)- feet for two-way streets; where on-street parking is permitted eight (8)- feet of road surface shall be added to each side of the street on which on-street parking is permitted.

**315.10** A recreation area shall be provided to serve the residents of the mobile home park; a minimum of ten (10) percent of the gross acreage shall be established and developed as common recreation and park space.

**315.11** Walks shall be planned and constructed so as to help provide safe and convenient access throughout the park connecting the individual mobile home lots to common recreation and park areas and to each other. Common walks should be at least three (3)- feet wide and walks on individual lots should be at least one and one half (1-1/2) feet wide; walks shall provide a sound all-weather walking surface, and be reasonably free from mud, dust, and standing water.

**315.12** Adequate storage facilities conveniently located to the mobile home lots should be provided for storage of often used outdoor equipment, furniture, and tools and such other material that is used only infrequently and which cannot be conveniently stored in the typical mobile home.

**315.13** No sign intended to be read from any public street adjoining the mobile home park shall be permitted except that; one identification sign not more than eight (8)- square feet in area may be installed at the principal entrance providing it is located no closer than five (5)- feet from any exterior property line of the mobile home park.

**315.14** Screening should be installed at the mobile home park boundary adjacent to properties on which are located residential structures located within 50 feet of the mobile home park boundary. Screening may consist of wall, fencing, or dense plantings or a combination of these materials. Open fencing such as chain link fence, if used, should be installed with plantings and located inside the planting.

**316 MULTIPLE-FAMILY DWELLING AND THE CONVERSION OF SINGLE-FAMILY RESIDENTIAL DWELLING TO MULTIPLE-FAMILY USE:** The Cussewago Township Supervisors may authorize, as a Conditional Use in the (V) Village Development District the construction of multiple-family dwelling and the conversion of any single-family dwelling existing as of the effective date of this Ordinance, into a multi-family dwelling subject to the applicable requirements for Conditional Uses and the following requirements:

**316.1** Two (2)-emergency exits shall be required for each dwelling unit in accordance with the requirements of the Uniform Construction Code.

**316.2** Two (2)-accessible off-street parking spaces sufficient to allow vehicles safe ingress and egress and further of sufficient width to permit the occupants of the vehicle to remove themselves from the vehicle shall be provided for each proposed dwelling unit. Such off-street parking spaces shall be located on the site.

**316.3** Except as may be required by any other applicable building or construction code, no such dwelling unit shall have a floor area of less than six-hundred (600)-square feet in the (V) Village Development District.

**317 HALFWAY HOUSE/REHABILITATION CENTER/HOME:** The Cussewago Township Zoning Hearing Board may authorize, as a Special Exception in the (A-1) Agricultural District as of the effective date of this Ordinance subject to applicable requirements for Special Exceptions and the following requirements:

**317.1** There should be no more than twelve (12) residents;

**317.2** Halfway House/Rehabilitation Center/Home for Adjustment must be located at least five-hundred (500)- feet from single family, duplex, and multifamily uses, public parks and recreational facilities, child care facilities, and public or private schools;

**317.3** Halfway House/Rehabilitation Center/Home for Adjustment must comply with all applicable municipal, state and federal laws, codes and regulations;

**317.4** Signs identifying the uses of Halfway House/Rehabilitation Center/Home for Adjustment shall not be permitted;

**317.5** A security plan must be submitted with an application for a permit. The security plan must demonstrate compliance with the security requirements of any applicable municipal, state or federal law, codes or regulations;

**317.6** Halfway House/Rehabilitation Center/Home for Adjustment shall not constitute any adverse impact to the health, safety and welfare of any surrounding properties or persons;

**317.7** Halfway House/Rehabilitation Center/Home for Adjustment shall not admit or accommodate residents who, at the time of their admission or at any time during their stay, exhibit a pattern of violent behavior.

**317.8** An application for Halfway House/Rehabilitation Center/Home for Adjustment shall include the following information in addition to any other such information otherwise required:

- a.** The name, address and telephone number of the operator, the agency holding required licenses, and the owner of the property on which the facility is to be established;
- b.** The address of the proposed site;
- c.** The name of the government agency providing or expecting to provide a license to the operator as well as determine the issuance or validity of any such license;
- d.** The proposed design capacity of the facility in terms of the number of residents and staff;
- e.** Written policies governing admission to residence in the facility, and the rules for residents, including the rules for the storing and taking of medicine;

- f.** Description of the supervision and security arrangements, and a description of the arrangements for maintenance of the facility and the grounds;
- g.** Description of the services to be provided to residents.
- h.** Number, size, location and surfacing of all off-street parking spaces, and a statement of the operative policy and any keeping of vehicles by residents;
- i.** Any other information deemed necessary by the Cussewago Township Supervisors to determine compliance of the provisions of this section and the other applicable provisions of the Zoning Ordinance.

## **ARTICLE 4 – VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USES**

---

### **401 SPECIAL EXCEPTIONS**

Special Exceptions Uses as identified in Article 2 are only permitted when approved by the Zoning Hearing Board in accordance with the criteria set forth in this Ordinance and as required by law, after public hearing pursuant to public notice, and in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

### **402 CONDITIONAL USES**

Conditional Uses as specified in Article 2 are only permitted when approved by the Township Board of Supervisors in accordance with the criteria set forth in this Ordinance and as required by law, after consideration of recommendations by the Planning Commission, and after public hearing pursuant to public notice, in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

### **403 VARIANCES**

A Variance is an exception from the strict requirements of the zoning regulations that can only be granted by the Zoning Hearing Board in accordance with the criteria set forth in this ordinance and as required by law, after public hearing pursuant to public notice required by the Municipalities Planning Code.

### **404 APPLICATIONS**

Requests for **variance, special exception or conditional use** shall be first presented to the Zoning Officer for review by filing an application containing the information required by Section, with the Zoning Officer who shall determine whether a variance, special exception or conditional use is necessary.

Conditional Use applications filed with the Zoning Officer shall be accompanied by: (1) an application fee in an amount equal to that set by resolution by the Cussewago Township Supervisors (2) three copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, use and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles, and the timing of construction proposed.

### **405 CONDITIONAL USE PROCEDURES**

The Application shall be forwarded to the Planning Commission for review and approval.

- a.** The Planning Commission shall forward its recommendation within 45 days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation.



b. The Township Supervisors shall schedule a public hearing upon the application for conditional use no later than sixty (60) days after the complete application was filed with the Zoning Officer and shall hear and make a decision on the application in accordance with the requirements of Section 704 of the Zoning Ordinance and Section 908 of the Pennsylvania Municipalities Planning Code.

**406 PROCEDURES FOR SPECIAL EXCEPTIONS AND VARIANCES**

Hearings by the Zoning Hearing Board shall be conducted in accordance with Section 704 Of this ordinance, Section 908 of the Municipalities Planning Code and other applicable requirements of the Municipalities Planning Code and the law

**407 STANDARDS FOR SPECIAL EXCEPTION AND CONDITIONAL USES**

Special exceptions and conditional uses shall be granted where the following findings are made:

- a. The use is permitted as a special exception or conditional uses, as applicable, under the terms of this Ordinance.
- b. The specific criteria, if any, for allowing the use by special exception or conditional use, as set forth in this Ordinance and applicable, will be met.
- c. The use, if permitted, will be consistent with the community and economic development objectives and plans, and suitable to the tract with respect to matters such as highway access, availability of utilities and services, traffic impact, economic impact and impact on the neighborhood.
- d. The use would be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located.
- e. The use will be adequately served by public facilities and services such as highways, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated.
- f. The use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, and would not be hazardous, disturbing, or detrimental to existing or future neighboring uses, physically, environmentally, socially or economically.
- g. The use will cause no emissions and/or discharges into the air or water which do not meet governmental standards, and will cause no excessive traffic, noise, vibration, electrical disturbances, glare, fugitive air contaminant, dirt, fumes, smoke, odor, or other polluting substances.

H. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance and significance.

I. The use will provide and maintain appropriate screening to buffer or block unsightly views and noise from adjacent properties.

J. It has not been established that the use for which the permit is sought would be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare; that the proposed use would create unreasonable traffic congestion, traffic hazards, fire hazards, water hazards, sanitary, or other health hazards; or that the proposed use would unreasonably interfere with or impair the supply of adequate and safe light, water, or air, the availability of adequate drainage or sewage or refuse facilities, or other utilities, or otherwise impose an undue threat to the health and safety of adjoining property owners.

#### **408 STANDARDS FOR VARIANCE**

A variance may be granted where the provisions of the Ordinance inflict unnecessary hardship and all the following findings are made, where relevant, in a given case:

- a. That there unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Code in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That such unnecessary hardship has not been created by the appellant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

#### **409 CONDITIONS**

The Zoning Hearing Board may approve variances and special exceptions and the Township Supervisors may approve conditional uses subject to reasonable and appropriate conditions.

**410 USE AND DEVELOPMENT CONSISTENT WITH BOARD DECISION**

All development, construction and use of land and buildings shall be in accordance with the decisions of the Board of Supervisors as to Conditional Uses and the Zoning Hearing Board as to Special Exceptions and Variances. Any development, construction or use contrary to the approved decision shall constitute a violation of this Ordinance.

**411 EXPIRATION OF SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES**

The validity of a special exception variance, or conditional use permit shall not exceed one (1) year from the date of authorization and shall expire if the applicant has failed to obtain other appropriate permits, and commence work or use as planned and approved within one (1) year.

## ARTICLE 5 - ADMINISTRATION & ENFORCEMENT

---

**501 ZONING OFFICER:** The Zoning Officer, who shall be appointed by the Township Supervisors, shall:

**501.1** Administer and enforce the provisions of this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

**501.2 Issue Zoning Certificates.** If the work described in the Zoning Certificate has not been substantially completed within two (2) years of the date of issuance thereof the Certificate shall be considered as expired and written notice to this effect shall be given the applicant by the Zoning Officer together with notice that further work as described in the canceled Certificate shall not proceed until a new Zoning Certificate has been obtained or an extension granted.

A permit issued hereunder shall expire, regardless of the state or status of construction, twenty-four (24)-months after the issuance date. An applicant may apply to the Zoning Officer for an extension thereof for an additional maximum period of twelve (12)-months. The application for an extension of time shall be made to the Zoning Officer and shall not be considered unless said application is received at least ninety (90)-days prior to the expiration of the original permit. An application for extension of time shall not be granted unless “good cause” is alleged and proven to grant the extension. In the event of a denial of the application for an extension of time by the Zoning Officer, the applicant may appeal to the Zoning Hearing Board, which shall hear such matter in accordance with applicable Ordinance provisions.

**501.3** Maintain a permanent file of all Zoning Certificates and applications as public records.

**502 ZONING CERTIFICATES:** A Zoning Certificate shall be obtained before any person or entity may:

**502.1** Occupy or use any vacant land; or

**502.2** Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or

**502.3** Change the use of a structure or land to a different use; or

**502.4** Change a non-conforming use.

**503 APPLICATIONS:** Applications for a Zoning Certificate shall be provided on forms supplied by the Zoning Officer and shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Zoning Officer may require for administration of this Ordinance, together with a filing fee in

accordance with a schedule of fees established by resolution of the Township from time to time. Upon the satisfactory completion of an application for a Zoning Certificate the Zoning Officer shall have up to ten (10)- days in which to render a decision on the application. The Zoning Officer shall either issue the Certificate, deny the Certificate, inform the applicant that his application must be processed as a special exception or as a conditional use. A denial of the Zoning Certificate may be appealed to the Zoning Hearing Board.

## 504 VIOLATIONS

**a. Enforcement Notice.** When it appears to the Township and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.
2. The location of the property in violation
3. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of the Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**b. Enforcement Remedies:** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance and any amendment thereto any prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there

was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Township. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Township and its Zoning Officer the right to commence any action for enforcement pursuant to this section.

**505 APPEALS:** All appeals from a decision of the Zoning Hearing Board or Board of Supervisors shall be taken in accordance with the requirements of the Pennsylvania Municipalities Planning Code and other applicable laws.

**506 AMENDMENTS:** The Township Supervisors may amend this Ordinance as proposed by a member of the Township, by the Planning Commission or by a petition of a person residing or owning property within the municipality in accordance with the provisions set forth in the Pennsylvania Municipalities Planning Code.

## **ARTICLE 6 - ZONING HEARING BOARD**

---

- 601 ZONING HEARING BOARD CREATION AND APPOINTMENT.** A Zoning Hearing Board shall be established and maintained in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code, and shall have those powers provided by the Law. The Board shall consist of three (3) members appointed by the Township Supervisors. Each member shall be a resident of the Township. The terms of office of the members shall be three (3) years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.
- 602 ORGANIZATION.** The Board shall elect from its own membership a Chairman and a Secretary who shall serve annual terms as such and may succeed themselves. The Board may make and alter rules and forms for its procedures, consistent with laws of the Township and the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Township once a year. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all members of the Board. Within the limits of funds appropriated by the Township Supervisors, the board may employ or contract for a secretary, a clerk, or legal counsel.
- 603. STORMWATER AND FLOODPLAIN MATTERS.** The Board shall also hear all appeals pertaining to the application of the stormwater regulations under the Township Stormwater Management Ordinance and of the Floodplain Regulations under the Floodplain Management Ordinance pertaining to the same development.
- 604. PROCEDURE.** The hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code as amended and such rules, not inconsistent therewith, as the Board may adopt. The Board shall conduct the hearings and make decisions in accordance with the following requirements:
- a.** Any appeal shall be taken within 30 days of the action being appealed by filing a notice of appeal with the Zoning Officer and with the Zoning Hearing Board. The grounds of appeal shall be stated in the notice of appeal. The Zoning Officer shall transmit to the Board all of the documentary material consisting of the record upon which the action for appeal was taken.
  - b.** The appellant shall, at the time of filing his appeal, pay a fee as established by Resolution of the Township Board of Supervisors in accordance with applicable law.
  - c.** Each appeal shall be tried on its merits at a public hearing conducted in accordance with the requirements of Section 908 of the Pennsylvania Municipalities Planning Code. Public notice of such appeal shall be given as required by law. The Board also shall give notice to the applicant, the Zoning Officer and such other persons

requesting a Notice. The Board may adjourn any hearing for the purpose of giving further notice.

**d.** The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.

**e.** The Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.

**f.** The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

**g.** Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

**h.** The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

**i.** The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.

**j.** Where the Board fails to render a decision within the period required the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

**k.** A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed not later than one day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.



## ARTICLE 7 – DEFINITIONS

---

### 701 INTERPRETATION OF WORDS

For the purpose of this Ordinance certain terms or words used herein shall be interpreted as follows:

1. The word “shall” is always mandatory
2. The word “may” is permissive
3. The word “should” is a preferred requirement
4. Words used in the present tense shall include the future
5. Words used in the singular shall include the plural
6. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual

### 702 MEANING OF WORDS

It is not intended that this Article include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the ordinance for administrative purposes and to aid in the carrying out of duties by municipal officials. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage.

**Abutting:** Having property or district lines in common.

**Access Drives:** a thoroughfare used by the public that affords a means of access to nonresidential uses located between the traveled portion of an arterial, collector or local street or a parking lot for access to and from the parking lot but does not include the parking aisle.

**Accessory Use or Structure:** A use or structure which: (a) is customarily part of but incident and subordinate to and serves the principal permitted use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served.

**Agriculture:** Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corncribs, silos and any other use or structure that is clearly related to an agricultural operation.

**Alley:** A public street which affords only a secondary means of access to abutting property and is not intended for general traffic conditions.

**Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**Area:** Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

**Arterial Road:** A general term denoting a highway primarily for through traffic. These roads are always continuous and are part of either the Federal Aid Primary or Secondary Systems.

**Basement:** A portion of a residential building all or partly underground, having at least one-half of its height below the average level of the adjoining ground and wherein at no point is there an entrance at, or nearly at, outside grade level. A basement shall not be considered as a story for the purpose of this ordinance

**Bed and Breakfast:** A single-family dwelling that consists of a single dwelling unit together with the rental of not more than five (5)-sleeping rooms on a daily or weekly basis to tourists, vacationers or other transients where the provision of meals is limited to the breakfast meal and where the bed and breakfast operation is conducted by persons who own and reside within the dwelling unit without the assistance of any employees. Off-street parking must be available for each rental room.

**Billboard:** A sign indicating a business conducted, a commodity sold, or a service rendered, somewhere other than on the premises, on which advertising matter of any character is printed, posted or lettered by any means and is designed for such purposes. A billboard may be either free standing or attached to a surface of a building or other structure.

**Board of Township Supervisors:** The governing body of Cussewago Township, sometimes referred to as “Board” or Township Supervisors” or “Supervisors”.

**Boarding/Lodging House:** A building or portion thereof containing not more than five (5)-rental lodging/sleeping rooms for persons not related to the building owner/occupant, by prearrangement for definite periods of time not less than one (1)-week in duration. Meals may be served. Off-street parking must be available for each rental room.

**Building:** A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers to be used for human habitation.

**Building, Accessory:** A subordinate building detached from, but located on the same lot as a principal building, the use of which is incidental and accessory to that of the main building.

**Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Cemetery:** A burial ground for humans.

**Child Care Centers:** See “Day Care Services for Children (Day Care)”.

**Church:** A place of assembly used for congregate religious services and worship. Although accessory uses, such as educational and recreational facilities for use of church members are permitted, other facilities and uses will be regarded as separate principal uses.

**Clinic:** Any establishment where human patients, are examined and treated by doctors or dentists but not hospitalized overnight.

**Club or Lodge:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Collector Road:** Roads that are continuous and that serve primarily as connections between the arterial roads and local streets. Most of the roads in this category, but not all of them, are Township roads with a “T” designation.

**Commercial Wind Energy System:** A Wind Energy System designed or operated to provide energy principally to consumers located off the premises and which does not meet the requirements established for a residential Wind Energy System.

**Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and directions or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (the FCC) to operate such device. This definition shall not include private mounted satellite dishes or television antennas or amateur radio equipment including ham or citizen band radio antennas.

**Communications Equipment Building:** An unmanned Building or cabinet containing communications equipment required for the operation of Communication Antennas and covering an area on the ground not greater than 250-square feet.

**Communications Tower:** A Structure other than a Building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

**Communications Tower (Height of):** The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

**Comprehensive Plan:** A plan or any portion thereof, adopted by a planning commission and/or the legislative authority of a municipality showing the general location and extent of present and proposed land uses and physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives and policies of a community.

**Construction:** The construction, reconstruction, renovation, repair, extension, expansion, alterations, or relocation of a building or structure, including the placement of mobile homes.

**Construction Yard:** Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards and home supply establishments.

**Conditional Use:** A use permitted by this Ordinance to occur on a property, provided approval in the manner prescribed by this Ordinance is first received from the Board of Supervisors.

**Conversion Unit:** The remodeling of a single family dwelling into one or more additional dwelling units.

**Cul-De-Sac:** A local street usually of short length with one end open to traffic and the other end terminating in a vehicular turnaround.

**Day Care Services for Children (Day Care):** provides out-of-home care for part of a twenty-four (24) hour day to children less than sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

**a. Family Day Care Homes:** facilities in which child day care is provided at any one time to four (4), five (5), or six (6) children who are not relatives of the care giver.

**b. Group Day Care Homes:** facilities in which care is provided for more than six (6) but less than twelve (12) children, at any one time, where the child care areas are being used as a family residence. [Care of one (1) to twelve (12) children where the childcare areas are not used as a family residence will be considered a Day Care Center].

**c. Day Care Centers:** facilities in which care is provided for children, at any time, where the child care areas are not used as a family residence.

Child care for less than four (4) children will not be considered as Day Care Services. Family and Group Day Care homes shall be considered as home occupations. Day care for adults shall be considered substantially the same use, and shall be classified based upon the number of persons for whom care is provided.

**Dead-End Street:** A street temporarily having only one outlet for traffic and intended to be extended or continued in the future.

**Density:** A unit of measurement; the number of dwelling units per acre of land.

**a. Gross Density:** The number of dwelling units per acre of the total land to be developed.

**b. Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses and common or publicly

available park and recreation area and does not include all area devoted to the public or private streets.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

**Dwelling:** Any building, or portion thereof, used for residential occupancy, including single family multifamily dwellings, but not including hotels, apartment hotels, rooming and boarding houses, mobile homes, modular homes or travel trailers.

**Dwelling Unit:** One (1)-or more rooms in a dwelling which are used as living quarters for occupancy by one family, and which unit contains permanently installed bathroom and kitchen facilities reserved for the occupants of such rooms.

**Dwelling, Attached:** A dwelling which is joined to another dwelling at one or more sides by a party wall or walls. This includes townhouses.

**Dwelling, Detached:** A dwelling which is surrounded on all sides by yards on the same lot.

**Dwelling, Semi-Detached:** A dwelling which is joined to another dwelling at only one side by a party wall and which is otherwise surrounded by yards on the same lot.

**Dwelling, Single Family:** a dwelling or building containing one dwelling unit.

**Easement:** A right given by the owner of land to another party for specific limited use of that land.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems and their essential Buildings, excluding Communications Towers and Communications Antennas, as defined herein.

**Family:** An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; or a group of not more than 4 persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, mobile home or modular home; plus, in all cases usual domestic servants.

**Flood:** A temporary inundation of normally dry land areas.

**Floor Area of a Single Family Dwelling:** The sum of the gross horizontal area of the several floors of a single family dwelling excluding the basement area as defined herein. All dimensions shall be measured between exterior faces and walls.

**Funeral Home:** Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

**Gasoline Service Station:** An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

**Governing Body:** The Township Supervisors, Cussewago Township, Crawford County, Pennsylvania.

**Greenhouse:** A structure used for the warehousing of agricultural products in which temperature and/or humidity can be controlled for the cultivation or protection of plants.

**Halfway House/Rehabilitation Center/Home:** (a) A facility for the rehabilitation of persons who are prisoners, former prisoners, or juvenile offenders, in a controlled environment with supervision, treatment, and the dispensing of medication; and/or (b) a facility where counseling is provided on-site for those persons on probation, parole or already released from correctional institutions or other persons found guilty of criminal offenses.

**Home Occupation:** Any customary use, occupation or profession conducted on the premises by a member or members of the immediate family residing in the dwelling on said premises which use, occupation, or profession is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and is consistent with the surrounding residential district.

**Hotel/Motel:** A building made up of two (2)-or more separate quarters, each having its own sanitary facilities, used independently of each other and used principally for overnight accommodations for compensation. This term shall not include boarding, rooming or lodging house or bed and breakfast as defined in this Ordinance.

**Knowing:** means having general knowledge of or reason to know, or a belief or ground for belief that warrants further inspection or inquiry of, the character and content of any material or conduct described herein, which is reasonably susceptible of examination or inquiry.

**Light Manufacturing:** The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gages; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering, curing nor rendering of fats.

**Local Street:** A street primarily for providing access to abutting property.

**Lot:** A parcel of land occupied or capable of being occupied by one or more structures.

**Lot (Depth of):** A mean horizontal distance between the front and rear lot lines.

**Lot (Minimum Area of):** The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**Lot (Width of):** The mean width measured at right angles to its depth.

**Lot of Record:** Any lot which individually or as a part of a subdivision, has been recorded in the Office of Recorder of Deeds of the County.

**Manufactured Home:** A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. In this ordinance the term manufactured home has the same meaning as the term mobile home.

**Manufactured Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for non-transient use, consisting of two or more manufactured homes. In this ordinance the term manufactured home park has the same meaning as the term mobile home park.

**Manufacturing:** The processing and fabrication of any article, substance or commodity.

**Marginal Access Street:** A local or collector street parallel and adjacent to an arterial or collector road providing access to abutting properties and protection from through traffic on arterial and collector roads.

**Minor Repair:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**Mobile Home:** A transportable, single family dwelling, which exceeds either eight (8)- feet in width and/or thirty-two (32)- feet in length, built on a chassis, used with or without a permanent foundation, intended for permanent occupancy, office, or place of assembly which normally arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

**Mobile Home (Double or Triple Wide):** A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling while still retaining their individual chassis for possible future transport.

**Mobile Home (Expandable):** A mobile home with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

**Modular Unit (Wheelless Modular):** A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one structure, normally requiring prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements to be incorporated into a structure at the site.

**No-impact home-based business:** a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.*
- b. The business shall employ no employees other than family members residing in the dwelling.*
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.*
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.*
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.*
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.*
- g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.*
- h. The business may not involve any illegal activity.*

**Non-conforming Use:** Non-conforming use is any use or arrangement of land or structures 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.



**Planned Residential Development** - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Zoning Ordinance.

**Public grounds:** includes:

- a. parks, playgrounds, trails, paths and other recreational areas and other public areas;*
- b. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and*
- c. publicly owned or operated scenic and historic sites*

**Public place:** Includes, but is not limited to:

- a. all outdoor places owned by or open to the general public; or*
- b. any window, showcase, newsstand, display rack, billboard, viewing screen or other similar place visible from any public street, highway, sidewalk or other public thoroughfare; or*
- c. any theater, motion picture house, restaurant, tavern, auditorium, clubs, social halls, or other similar place to which the general public, or any part of the general public, is regularly admitted, including places where admittance may be limited to members.*

**Public Uses:** includes public and semi-public uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal and county buildings, essential public utilities that require enclosures within a building; non-profit recreational facilities; easements for alleys, streets, and public utility rights-of-way; and radio and television transmission facilities.

**Public Utility Transmission Tower:** A Structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**Residential Wind Energy System:** A Wind Energy System designed or operated to provide energy to a residence and accessory structures located on the lot, or on contiguous lots held in common ownership, and which provides no production for off-site consumption.

**Rooming House:** A building or portion thereof containing not more than five (5)-rental lodging/sleeping rooms for persons not related to the building owner/occupant, by prearrangement for definite periods of time not less than one (1)-week in duration. Meals are not available on the site. Off-street parking must be available for each rental room.

**Special Exception:** A development approval granted by the Zoning Hearing Board through procedures established in this Ordinance.

**Special Permit:** A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**Street:** A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word “street” includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

**Structure:** Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including but not limited to buildings, billboards, signs, carports, porches, swimming pools, outdoor fireplaces, walls and other building features but not including sidewalks, drives, fences and patios or unenclosed porches, platforms or landing places not covered by a roof or canopy and located at or below the level of the adjacent doorsill.

**Subdivision:** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

**Supply Yard:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**Temporary Structure:** Any structure not on a permanent foundation or permanently attached or affixed to the ground in any manner. Said structure to be used for a specified period of time. This definition shall not include tool houses and other similar structures for the storage of accessories and supplies as set forth in 207.2(w).

**Travel Trailer:** A vehicular portable structure mounted on a chassis designed as a temporary dwelling for travel, recreational, and vacation uses and which (1) is identified by the manufacturer as a travel trailer, (2) is not more than 8 feet in width, (3) is of any weight provided body length does not exceed thirty-two (32)- feet.

**Variance:** Legal permission by the Zoning Hearing Board to use a property for a permitted use in a particular zoning district, but to do so with some modification in the regulations applicable to that district. A variance applies only to that particular piece of property for which it is granted, and only to certain modifications of the regulations. It does not, in most circumstances, apply to the modification of the permitted uses within the zoning district.

**Warehousing and Distribution:** A use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. For the purpose of this Ordinance, storage of explosive, inflammable, hazardous or community-recognized offensive conditions shall be considered heavy industry.

**Yard:** The open space on a lot which is unoccupied and unobstructed from its lowest level to the sky except for the permitted obstructions listed in this Ordinance.

**Yard (Front):** A yard extending along the full length of a front lot line and back to a line drawn parallel with such front lot line at a distance there from equal to the required front yard.

**Yard (Interior Side):** A side yard which adjoins another lot or an alley separating such side yard from another lot.

**Yard (Rear):** A yard extending along the full length of a rear lot line and back to a line drawn parallel with such rear lot line at a distance there from equal to the required rear yard.

**Yard (Side):** A yard extending along the side lot to a line drawn parallel with such side lot line at a distance there from equal to the required side yard.

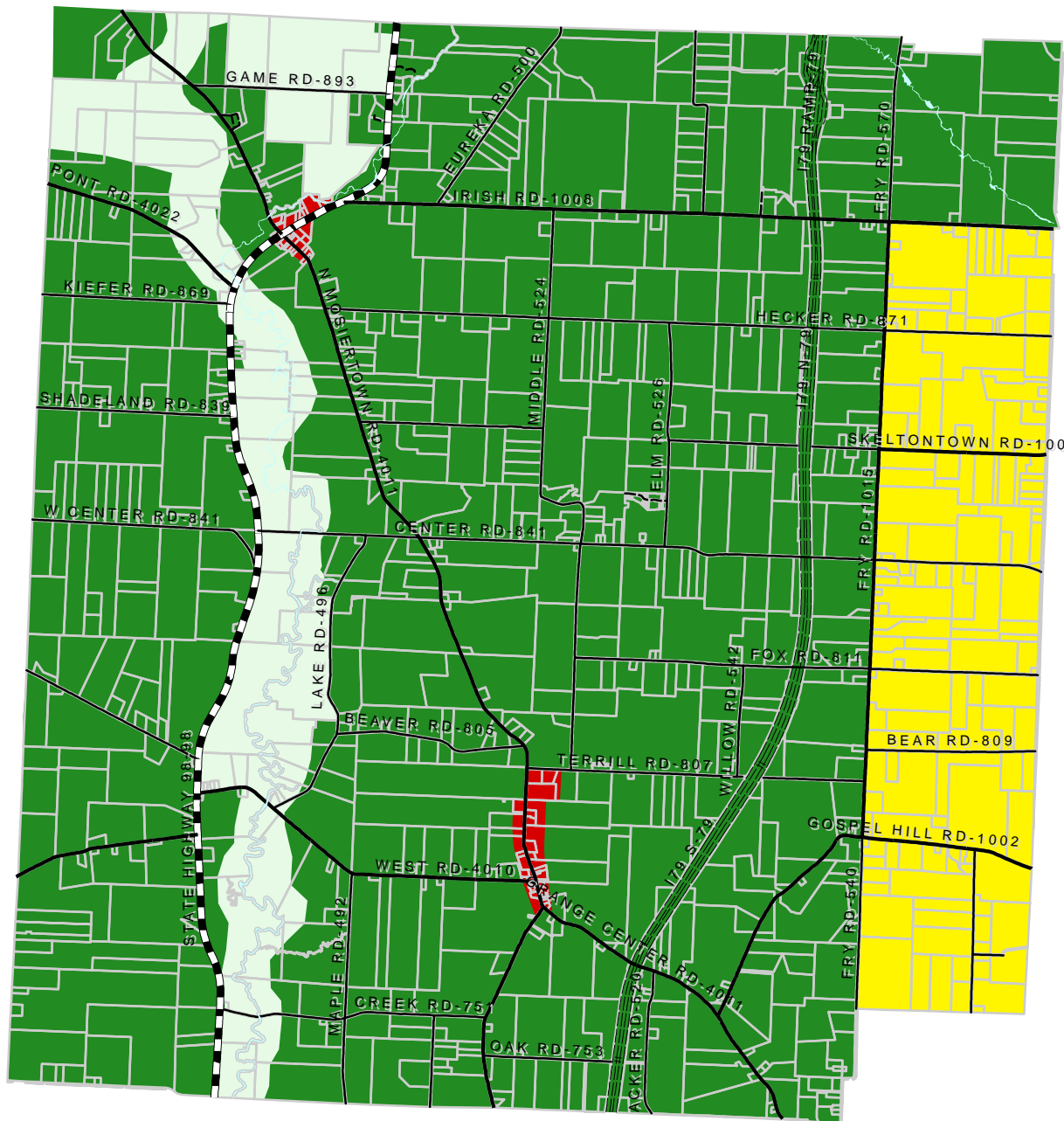
**Yard (Street Corner Side):** A side yard which adjoins a street.

**Zoning:** Is the legal and administrative process of dividing the community into Districts or Zones and regulating within such Districts the use of land, the height, and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the community. Zoning is the instrument for giving effect to that Part of the Comprehensive Land Use Plan which is concerned with the private uses of, and the private developments on, privately owned land as distinguished from that part which is concerned with public uses and facilities.

**Zoning Hearing Board:** a board appointed by the Board of Township Supervisors of Cussewago Township in order to provide for the administrative requirements as set forth in this Ordinance; also referred to as the Board.

**Zoning Officer:** The agent, or official designated by the Board of Township Supervisors of Cussewago Township and charged by law with the administration and enforcement of the Zoning Ordinance.

**Zoning permit:** A permit issued by the Cussewago Township Supervisors permitting a parcel of land to be used for a specific purpose.



**Legend:**

- Streams
- V Village
- C-1 Conservation
- A-1 Agriculture
- RR Rural Residential
- Parcels, Property Lines, Roads & Physical Features were reproduced from information & drawings prepared by the Crawford County Planning Commission

BEING PART OF ORDINANCE NO. \_\_\_\_\_  
AS ENACTED

\_\_\_\_\_  
DONALD REIBEL, CHAIRMAN

\_\_\_\_\_  
ROY ALWARD

\_\_\_\_\_  
FRANK MONTEROSSO  
BOARD OF SUPERVISORS

ATTEST  
\_\_\_\_\_  
JERRY GALUIN, SECRETARY



This map was created by the Crawford County Planning Commission, with data from various sources. Maps are intended for representative purposes only and no guarantee is made on the accuracy of the data displayed here.

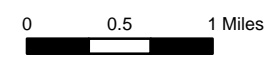
- NOTES:
1. ALL THE PROPERTY LINES, ROADS AND OTHER PHYSICAL FEATURES ARE RELATIONAL AND INTENDED TO DEPICT TOWNSHIP ZONING DISTRICT BY CLASSIFICATION AND PARCEL AS SUCH, NOT EVERY PARCEL MAY BE REPRESENTED AND THE USER IS ENCOURAGED TO CONTACT THE CCPC FOR CLARIFICATION.
  2. GENERAL FLOOD PLAIN DISTRICT BASED ON THE FEMA MAPS CAN BE OBTAINED AT THE CRAWFORD COUNTY PLANNING COMMISSION. THE FEMA MAPS WERE CREATED BY THE FEDERAL GOVERNMENT AND COMPILED ON A 1000' FOOT SCALE MAP.
  3. CCPC PHONE 814-333-7341 AND EMAIL PLANNING@CO.CRAWFORD.PA.US

# CUSSEWAGO TOWNSHIP ZONING MAP

## CRAWFORD COUNTY, PENNSYLVANIA

Prepared for the Board of Supervisors and the Planning Commission of Woodcock Township by the Staff of the Crawford County Planning Commission as Planning Consultants, Courthouse, Meadville, Pennsylvania

November 2012



**CUSSEWAGO TOWNSHIP**

**CRAWFORD COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2021 - 07-13-2021**

**AN ORDINANCE TO AMEND THE CUSSEWAGO TOWNSHIP  
ZONING ORDINANCE TO PROVIDE FOR THE REGULATION  
OF SOLAR ENERGY SYSTEMS**

*Whereas*, the Board of Supervisors of Cussewago Township has determined that its zoning regulations should be amended to provide lawful, reasonable and suitable regulations for solar energy generation facilities which may have a substantial impact on neighboring properties, and surrounding neighborhoods; and

*Now, Therefore, be it Ordained and Enacted* by the Board of Supervisors of Cussewago Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority thereof as follows:

**Section 1. Purpose.** These regulations are designed and intended to balance the interests of the residents of Cussewago Township, solar energy producers and solar energy customers in the siting of solar energy systems within the Township so as to protect the welfare, safety, character and integrity of agricultural, residential, rural, environmental, natural and historic resources in the Township while providing for the appropriate location and development of solar energy facilities within the Township; to minimize adverse visual impacts of solar energy facilities through careful siting and landscape screening; to avoid potential harmful impacts on adjacent properties from solar energy operations; and to provide for the safe and proper removal of all solar energy facilities that are either abandoned or fail to meet the requirements set forth in these regulations.

**Section 2. Amendment of Section 702 of the Cussewago Township Zoning Ordinance, Entitled "Definition of Terms".** The Section of the Cussewago Township Zoning Ordinance, Ordinance No. 2014-1, adopted May 6, 2014, entitled Definition of Terms, is hereby amended to add the following definitions:

**Solar Energy:** Radiant energy (direct, diffuse and/or reflective) received from the sun.

**Solar Energy System:** A system comprised of Solar Panels and other Solar Related Equipment used to capture solar energy and convert it into electrical energy or thermal power for use on the property where the system is located or for use off the site where the system is located or both.

**Solar Energy System, Accessory Use, or Accessory Solar Energy System or ASES:** A Solar Energy System used to capture solar energy for use by residential, commercial, institutional, industrial or other uses of land located on the same property on which the Solar Energy System is located. This may include incidental sale of excess energy to an electrical utility. For purposes of this ordinance, a Solar Energy System that has a power rating of more than 15kW shall not be considered an Accessory Solar Energy system.

**Solar Energy System, Principal Use:** A Solar Energy System used to capture solar energy solely and principally for use off the property where the Solar Energy System is located, including the sale of the product to electrical utilities. Principal Solar Energy Systems may consist of one or more free standing ground or roof mounted solar collection devices and Solar Related Equipment, together with accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other structures related to the operation of the System.

**Solar Easement:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

**Solar Panel:** The part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or electricity.

**Solar Related Equipment:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels,

lines, pumps, batteries, mounting brackets, framing and structures used for or intended to be used for collection of solar energy.

- a. **Solar Array:** A grouping of multiple solar modules with purpose of harvesting solar energy.
- b. **Solar Cell:** The smallest basic solar electric device which generates electricity when exposed to light.
- c. **Solar Module:** A grouping of solar cells with the purpose of harvesting solar energy.

Examples of these facilities is attached as an Exhibit entitled “Solar Energy Facilities”

**Section 3. Addition of Regulations for Solar Energy Systems as New Sections 318 through 318.6 of the Cussewago Township Zoning Ordinance.** There is hereby added new Sections 318 through 318.6 to the Cussewago Township Zoning Ordinance, Ordinance No. 2014-1, adopted May 6, 2014, to add regulations for use of lands for Solar Energy Systems, which shall read as follows:

**318. Solar Energy Systems.** Solar Energy Systems shall be allowed in all zoning districts as of the effective date of this ordinance under and subject to the regulations set forth in Sections 318.1 through 318.6 of this Ordinance.

**318.1. Solar Energy Systems Used as Accessory Uses.** All Accessory Solar Energy Systems shall comply with the following requirements:

- a. Accessory Solar Energy Systems are a Permitted Accessory Use in all Zoning Districts for all uses.
- b. Accessory Solar Energy Systems constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any material expansion, alteration or physical modification to an existing ASES shall comply with applicable requirements set forth in this ordinance. Routine maintenance or like-kind replacements do not require a permit.



- c. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.
- d. All solar energy systems shall be designed and located to ensure solar access without reliance on and/or interference from or with adjacent properties unless a solar easement is obtained from the owner of the adjacent property.
- e. All ASES shall be situated to eliminate glare onto nearby structures and roadways.
- f. A Roof Mounted and Wall Mounted Accessory Solar Energy System may be located on a principal or accessory building, and shall comply with all maximum height regulations and building setback regulations specified for buildings within the zoning district.
- g. A Roof Mounted and Wall Mounted Accessory Solar Energy System shall comply with all applicable building code requirements.
- h. A Ground Mounted Accessory Solar Energy System shall comply with the side and rear yard property setbacks for all buildings in the applicable zoning district, and shall not be located in the required front setback unless unique physical circumstances or conditions exist that preclude it from being located in a side or rear yard. Such physical conditions may include, but are not limited to, restricted solar access in other yards, other resource constraints, unusual situation of the principal use on the parcel.
- i. Freestanding ground mounted ASES solar panels shall not exceed 25 feet in height above the ground elevation surrounding the systems.
- j. A Ground Mounted Accessory Solar Energy System shall be screened from any adjacent property that is used for residential purposes. The screening shall consist of plant materials which provide a visual screen, or a decorative fence. If the Solar energy facilities are located within 150 feet of a residential structure, the screening provided shall include evergreen trees which, when mature, shall provide a visual screen for the height of the solar panels.

- k. A Ground Mounted Accessory Solar Energy System shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a construed storm water conveyance system.
- l. The layout, design, installation, and ongoing maintenance of all Accessory Solar Energy Systems shall conform to applicable industry and governmental standards and codes, and with all other applicable fire and life safety requirements. The ASES shall be maintained in good working order in accordance with all applicable standards. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry. Accessory Solar Energy Systems must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, or being in an unsafe condition or condition detrimental to public health, safety or general welfare.
- m. Permit Requirements: Zoning permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the ASES system on the building or property, including property lines.

**318.2. Regulations for Solar Energy Systems Which Are Principal Use Solar Energy Systems.** All Principal Use Solar Energy Systems shall comply with the following requirements:

- a. Principal Use Solar Energy Systems, (also referred to as Principal Solar Energy Systems, or PSES) shall be permitted by Conditional use in the Agricultural (A-1) and Rural Residential (RR) Zoning Districts subject to meeting the requirements for such uses as set forth in this ordinance and other applicable Conditional Use standards. Principal Use Solar Energy Systems shall not be permitted in the Conservation (C-1) Zoning District, or the Village (V) Zoning District.

- b. An application for a permit shall include mapping that identifies the lands proposed for the facility, the proposed layout for the facility and a sketch showing details about the location in reference to residences, streams, and other features of the land; and a Project narrative that shall include an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar-energy system. The Application shall include an affidavit or similar evidence of agreement between the property owner(s) and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.
- c. Before construction may commence plans for the development meeting the requirements of the Township Stormwater Management Ordinance, the Subdivision and Land Development Ordinance must be submitted to the Township for review and approval, and all construction and development must comply with approved plans.
- d. In addition, all Principal Use Solar Energy Systems developments must comply with all applicable Federal, State and local regulations and have permits required by any governmental regulatory agency with jurisdiction over any aspect of the development. Such requirements shall include, but shall not be limited to, Soil Erosion and Sedimentation Plans, and NPDES Plans. No construction may commence without required permits and approvals and except in accord with all such permits and approvals.
- e. The layout, design, installation, and ongoing maintenance of all Principal Solar Energy Systems shall conform to all applicable industry and governmental standards and codes, and with all other applicable fire and life safety requirements. The PSES shall be maintained in good working order in accordance with all applicable standards. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the PSES shall be locked to prevent unauthorized access or entry. Principal Solar Energy Systems must be properly maintained and be kept free

from all hazards, including but not limited to, faulty wiring, loose fastenings, or being in an unsafe condition or condition detrimental to public health, safety or general welfare. All on-site transmission and plumbing lines shall be placed underground to the extent feasible. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

- f. Principal Use Solar Energy Systems may be permitted in designated Floodplain Districts, or wetlands, along banks of streams and watercourses, and in officially designated Agricultural Security Areas if permitted under applicable regulations.
- g. The owner of a PSES shall provide the township with written information about the public utility company to which the PSES intends to be connected and about the status of proceedings for connection.
- h. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the Township shall be informed of the intent of the PSES.
- i. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations. Signage shall comply with the prevailing sign regulations.
- j. At all times, the PSES owner and/or operator shall keep the Township informed of persons to contact in the event of any hazard, danger, event that causes harm to the facility, or emergency. Such information shall include names, titles, addresses, phone numbers, and email information for the persons responsible for the public to contact with inquiries and complaints throughout the life of the project. A sign (up to 12 square feet in size) shall be located on the fence by the place of access, with a QR code or listing of a website address that can be amended as needed, to provide the information requested without the need for the owner to visit the site or physically update the sign.

- k. All solar energy systems shall be designed and located to ensure solar access without reliance on and/or interference from or with adjacent properties unless access or reliance permissions are obtained from the owner of the adjacent property.
- l. All PSES shall be situated to minimize the impact of glare onto nearby structures and roadways.

**318.3. Regulations for Ground Mounted Solar Energy Systems Which Are Principal Use Solar Energy Systems.** All Principal Use Solar Energy Systems that are placed on the ground shall comply with the following requirements:

- a. No Ground Mounted Principal Solar Energy System facilities shall be located within 50 feet of a property line or the right of way of a public roadway. This shall not preclude the location of driveways or fencing which shall be setback a minimum of 10 feet from property lines.
- b. No Ground Mounted Principal Solar Energy System facilities shall be located within 100 feet of any residential building.
- c. No Ground Mounted Principal Solar Energy System facilities shall exceed a height of 25 feet.
- d. Screening for Principal Solar Energy Systems shall be provided and maintained in the following manner.

Ground mounted PSES shall be screened from public roadways. The screen shall be at least six feet (6') in height and shall consist of plant materials which provide a visual screen, and which shall be planted within the first year of operation adjacent to or outside of the road right-of-way, between the road-right-of-way and the solar perimeter fence.

Screening shall also be required between Ground Mounted Principal Solar Energy System facilities and adjoining properties on which residential uses are located. This screening may consist of any of the

following: (a) six feet high opaque decorative fencing, (b) triple staggered row of evergreen trees at least four feet high planted and spaced to create a continuous hedge within 5 years, or (c) natural wooded buffer least 30 feet in width.

If the Solar energy facilities are located within 150 feet of a residential structure, the screening provided shall include evergreen trees which, when mature, shall provide a visual screen for the height of the solar panels.

Widespread use of herbicides to control ground cover growth is prohibited.

- e. Unless specific permission is obtained from the holder of an easement or right-of-way, ground mounted PSES shall not be placed within any legal easement or right-of-way location where solar would impede the operation of the facilities occupying the easement or right-of-way, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- f. Security. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum six (6) foot high fence with a locking gate.
- g. Access. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site. At a minimum, a 14 foot wide cartway shall be provided to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles.
- h. The ground mounted PSES shall not be artificially lighted except to the extent required for safety, or applicable federal, state, or local regulations.

**318.4. Regulations for Roof Mounted Solar Energy Systems Which Are Principal Use Solar Energy Systems.** All Principal Use Solar Energy Systems that are placed on existing buildings or structures shall comply with the following requirements:

- a. For a Principal Solar Energy System mounted on the roof of a building or other existing structure, the owner shall provide evidence that the plans comply with the Uniform Construction Code, and shall provide evidence certified by an appropriately licensed professional that the roof and structure(s) are capable of holding the load imposed on the structure.
- b. For a Principal Solar Energy System mounted on roofs of any building or other structures shall be subject to the maximum height regulations specified for buildings within the applicable zoning district.

**318.5. Regulations for Removal or Decommissioning of Solar Energy Systems Which Are Principal Use Solar Energy Systems.** Provision for the decommissioning or removal of an abandoned Principal Solar Energy System shall be made in accordance with the following standards:

- a. No construction of the PSES shall be undertaken until the owner shall have provided the Township with a Bond or other financial security in the form and amount acceptable to the Township, to secure the estimated expense of dismantling and removing said PSES, and restoration of the land for agricultural or other reasonable use, based on a consideration of the former use of the lands, and current estimated costs for removal and disposal, and estimated useful life of the system, and an inflation factor.
- b. No construction of the PSES shall be undertaken until an affidavit, or similar evidence, signed by the property owner and the PSES facility owner has been provided to the Township affirming a lease agreement with a decommissioning clause (or similar) that shall apply to Successors and Assigns. The decommissioning clause must provide for the dismantling and removal of the PSES, including all solar related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, roads, and other associated facilities from the property.

c. During the operation of the facility, a new engineer's estimate of cost for decommissioning prepared by the PSES owner's Engineer shall be submitted every ten (10) years to the Township. Upon approval of the estimated costs by the Township's engineer, a revised surety shall be provided to the Township in the amount of one hundred percent (100%) of the new estimate.

d. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) consecutive months and the owner has not initiated remedial actions to return the PSES to a generating site. If the PSES owner fails to dismantle and/or remove the PSES within eighteen (18) months of cessation or abandonment, the Township may complete the decommissioning and recover the costs by use of the Bond or other security or by other legal remedies permitted by law.

e. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be returned to an environmentally stable condition.

**Section 4. Remainder of Zoning Ordinance Unchanged.** All other provisions of the Cussewago Township Zoning Ordinance, as amended, shall remain in full force and effect except as modified by these amendments.

**Section 5. Repealer.** All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

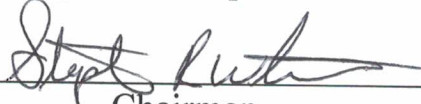
**Section 6. Severability.** Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any Code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

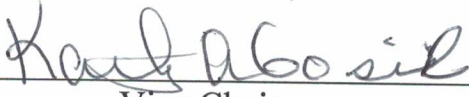
**Section 7. Effective Date.** This Ordinance shall become effective five (5) days after enactment.



**ORDAINED AND ENACTED** into law by the Board of Supervisors of  
Cussewago Township this 13<sup>th</sup> day of July,  
2021.

Cussewago Township Board of Supervisors

By:   
Chairman

By:   
Vice Chairperson

By:   
Supervisor

Attest:

  
Secretary/Treasurer

