

Article 8: Supplemental Regulations

Section 801: Statement of Intent

- (A) The purpose and objective of the provisions established under Article 8 of this Zoning Ordinance is to establish specific supplemental regulations for residential and non-residential land uses.
- (B) The provisions contained in Article 8 of this Zoning Ordinance are intended to serve as minimum requirements to promote the public health, safety and the general welfare of the residents and property owners of West Nantmeal Township. The regulations shall supplement and not replace the provisions established in this Zoning Ordinance.
- (C) Where the supplemental regulations contained within Article 8 impose greater restrictions than those of any other statute, ordinance or regulation, the provisions established under Article 8 shall prevail.

Section 802: Access to Lots, Buildings, Structures and Uses

- (A) Every building and structure hereafter erected or moved shall be located on a lot adjacent to or have an approved access point to a public street or an approved private street. The buildings and structures shall be so located on the lots in such a manner to provide safe and convenient access for emergency vehicles and off-street parking.
- (B) Where more than one (1) principal use is permitted, the property shall either be subdivided to comply with the provisions of this Zoning Ordinance or be capable of being subdivided to comply with the provisions of this Zoning Ordinance. West Nantmeal Township shall determine the requirements for subdivision.

Section 803: Accessory Uses and Structures

- (A) Residential lots containing accessory buildings, structures and uses, including any garages, carports, decks, patios, terraces, gazebos, greenhouses, utility sheds, storage sheds, tennis courts, domestic animal shelter, or other similar accessory buildings, structures and uses shall comply with the provisions specified under Section 803.1 of this Zoning Ordinance.
- (B) Non-residential lots containing accessory buildings, structures and uses, including any garages, storage facilities, pole barns, farm building, greenhouses, supplemental uses, recreation facilities, or other similar accessory buildings, structures and uses shall comply with the provisions specified under Section 803.2 of this Zoning Ordinance.
- (C) The provisions for accessory uses and structure, as specified under Section 803.1 and 803.2 shall be considered as minimum standards for compliance with this Zoning Ordinance. The landowner shall be responsible to obtain all other permits and/or approvals that may be required for code enforcement, erosion and sedimentation control, stormwater management, utility services, and other provisions required by other local, state or federal agencies.

Section 803.1: Residential Accessory Uses and Structures

- (A) Residential lots containing a permitted residential dwelling unit shall comply with the following general provisions:
 - (1) The accessory building, structure or use shall be subordinate and customarily incidental to the principal building and utilized as an accessory use on the lot occupied by the principal building.
 - (2) No more than thirty (30) percent of the accessory building or structure shall extend or protrude into the front yard or in front of the front façade of the principal residential building occupying the approved use. Otherwise, the accessory buildings and structures shall be located within the side yard or rear yard of the property, or behind the front facade of the residential use.
 - (3) Setback provisions may apply for certain accessory buildings and structures for a residential use. Where setback provisions are not specified, the following minimum setback requirements shall apply for residential uses: the front yard setback shall be fifty (50) feet; the side yard setback shall be ten (10) feet; and the rear yard setback shall be ten (10) feet.

- (4) The land area occupied by the accessory building or structure shall account towards the building coverage calculations for the lot and zoning district on which it is located. The cumulative building coverage shall not exceed the maximum building coverage requirements.
- (5) The land area occupied by the residential accessory building or structure shall account towards the impervious surface ratio calculations for the lot and zoning district on which it is located. The cumulative impervious coverage shall not exceed the maximum impervious coverage requirements.
- (6) The footprint of all accessory buildings (cumulative total) shall not be larger than the footprint of the principal building. Accessory buildings for agricultural uses shall be exempt from this requirement.
- (7) The maximum height of any accessory building or structure shall be twenty-five (25) feet.
- (8) No permanent residential accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory component.

(B) The following provisions shall apply to attached residential garages, detached residential garages or carports:

- (1) Attached residential garages, detached residential garages, and/or carports shall be calculated as part of the building coverage for the lot. The cumulative building coverage shall not exceed the maximum building coverage requirements for the lot and zoning district on which it is located.
- (2) Attached residential garages, detached residential garages, and/or carports shall be calculated as part of the impervious coverage for the lot. The cumulative impervious coverage shall not exceed the maximum impervious coverage requirements for the lot and zoning district on which it is located.
- (3) Attached residential garages, detached residential garages, and/or carports located on a lot occupied by a single-family detached dwelling unit shall comply with the building setback requirements of the underlying zoning district on which they are located.
- (4) Attached residential garages or detached residential garages on a lot occupied by a single-family attached dwelling, single-family semi-detached dwelling, townhouse, or other dwelling having a common lot line may be located along the common lot line, provided that they do not project onto the adjacent property and they are located at least ten (10) feet from the rear lot line.

(C) The following provisions shall apply to sheds and pole buildings:

- (1) Sheds located on a residential lot within the R-3 and C-1 Zoning Districts shall comply with the following provisions:
 - (a) Sheds may be erected in the rear yard and side yard, provided they are located at least five (5) feet from the property line and provided the shed does not exceed one hundred-fifty (150) square feet in floor area.
 - (b) Sheds exceeding one hundred-fifty (150) square feet in floor area shall comply with the minimum side yard and rear yard requirement for the zoning district on which the shed is located.
 - (c) Sheds shall not exceed twenty (20) feet in height.
 - (d) No more than two (2) sheds shall be permitted per residential lot.
- (2) Sheds and pole buildings located on a residential lot within the R-1, R-2 and I-1 Zoning Districts shall comply with the following provisions:
 - (a) Sheds may be erected in the rear yard and side yard, provided they are located at least ten (10) feet from the property line and provided the utility shed or storage shed does not exceed one hundred-fifty (150) square feet in floor area.

- (b) Sheds exceeding one hundred-fifty (150) square feet in floor area shall comply with the minimum side yard and rear yard requirement for the zoning district on which the utility shed or storage shed is located.
- (c) Sheds shall not exceed five hundred (500) square feet in floor area.
- (d) Sheds shall not exceed twenty-five (25) feet in height.
- (e) No more than three (3) sheds shall be permitted per residential lot.
- (f) No sheds shall be permitted within a multi-family development consisting of townhouses, condominiums or apartments, unless they have been designed as a uniform feature within the development.
- (g) Pole buildings may be located on a lot occupied by a residential use provided that it shall comply with the building setback and coverage requirements of the underlying zoning district and does not exceed a height of twenty five (25) feet. No more than one (1) pole building shall be permitted on a lot occupied by a residential use.
- (h) The provisions specified under Section 803.2 of this Zoning Ordinance shall apply to lots within the R-1, R-2, R-3, C-1 and I-1 Zoning Districts that are occupied by non-residential uses.

(D) The following provisions shall apply to decks, patios and gazebos:

- (1) Decks and patios located on a lot occupied by a single-family detached dwelling unit shall comply with the building setback requirements of the underlying zoning district on which they are located.
- (2) Decks and patios located on a lot occupied by a single-family semi-detached dwelling or townhouse dwelling may be located along the common lot line, provided that they do not project onto another property and comply with the remaining setback requirements.
- (3) Decks and patios located on a lot occupied by a single-family detached dwelling unit, single-family semi-detached dwelling or townhouse dwelling may be covered provided that it is in accordance with all building code requirements.
- (4) Decks and patios located on a lot occupied by a townhouse dwelling may only be located in the rear yard and subject to the following provisions:
 - (a) The deck or patio may be located along the lot line or in the case where a townhouse dwelling is not located on a fee-simple lot, an imaginary line extending from the common wall of any contiguous townhouse dwelling units.
 - (b) Unless otherwise designed as a uniform feature within the development, no deck or patio shall be enclosed or under roof.
 - (c) If a deck or patio extends into the side yard setback or rear yard setback otherwise required by this Zoning Ordinance, no other accessory structure shall be located closer to the deck or patio or the lot line other than the permitted setback for an accessory structure.
 - (d) No deck or patio shall extend into the minimum space required between any townhouse building faces otherwise required by this chapter.
 - (e) A deck or patio that meets the requirements of this chapter shall be included in the determination of the impervious surface ratio and the building coverage for the lot. Where designed and planned as a unified development, the cumulative total impervious surface ratio and cumulative total building coverage shall also apply.

- (5) Gazebos may be permitted on a lot occupied by a residential use provided it is located in a manner to comply that complies with the building setback requirements of the underlying zoning district on which the gazebo is located.
- (E) The following provisions shall apply to non-commercial greenhouses:
 - (1) Non-commercial greenhouses located on a lot occupied by a single-family detached dwelling unit shall comply with the building setback requirements of the underlying zoning district.
 - (2) All non-commercial greenhouses shall not exceed five hundred (500) square feet per acre of land and shall not exceed five thousand (5,000) cumulative square feet in total gross covered floor area occupied by all of the non-commercial green houses located on the property.
- (F) Domestic animal housing units may be permitted provided that the structure is located at least ten (10) feet from the side or rear property line.
- (G) Permanent non-commercial recreation facilities, structures and uses shall comply with the following requirements:
 - (1) The non-commercial recreational uses shall include tennis courts, hockey rinks, skateboard facilities, basketball courts, and other similar accessory use, as determined by the Zoning Officer, where the cumulative playing surface area exceeds one thousand (1,000) square feet.
 - (2) The use including all structural facilities and ground surfaces shall comply with the building setback requirements for the zoning district on which permanent non-commercial recreation use is located.
 - (3) Any exterior lighting facilities for the non-commercial recreation facilities, structures or uses shall comply with the building setback requirements. All such lighting facilities shall be directed downward to the playing surface area and shielded to prevent light spillage onto adjacent properties.
- (H) Fences, walls and hedges shall comply with the provisions specified by Section 810 of this Zoning Ordinance.
- (I) Private non-commercial in-ground or above-ground swimming pools, which are located on a residential lot, shall comply with the provisions of Section 818.B of this Zoning Ordinance.
- (J) Private non-commercial in-ground or above-ground hot tubs or therapeutically spas, which are located on a residential lot, shall comply with the provisions of Section 818.C of this Zoning Ordinance.

Section 803.2: Non-Residential Accessory Uses and Structures

- (A) Non-residential lots containing a permitted non-residential use shall comply with the following general provisions:
 - (1) The accessory building, structure or use shall be subordinate and customarily incidental to the principal building and utilized as an accessory use on the lot occupied by the principal building.
 - (2) All accessory buildings, structures or uses shall comply with all building setback and coverage requirements for the underlying zoning district on which it is located.
 - (3) The building setback provisions shall apply to accessory buildings and structures for a non-residential uses. Where setback provisions are not specified, the following minimum setback requirements shall apply for non-residential uses: the front yard setback shall be forty (40) feet; the side yard setback shall be ten (10) feet; and the rear yard setback shall be ten (10) feet.
 - (4) The land area occupied by the accessory building or structure shall account towards the building coverage calculations for the lot and zoning district on which it is located.

- (5) The land area occupied by the accessory building or structure shall account towards the impervious surface ratio calculations for the lot and zoning district on which it is located.
- (6) The maximum height of any non-residential accessory building or structure shall be thirty (30) feet.
- (B) Storage facilities are permitted provided that such facilities are located in areas, which have direct access to a public street or driveway. The outdoor storage of materials shall be screened from the view of adjacent properties with a berm, trees, landscaping materials and/or fence.
- (C) Restaurants, cafeterias and/or recreational facilities are permitted provided they are intended for the use of employees only, unless they are permitted as principal uses in the district in which they are constructed.

Section 804: Residential Conversions

- (A) Residential conversions of a single-family detached dwelling into a dwelling for not more than two (2) families shall be permitted by right within the C-1 Zoning District.
- (B) As part of the special exception application, the applicant shall demonstrate that the residential conversion shall comply with the following provisions:
 - (1) The minimum lot area per family shall not be reduced to less than the minimum lot area that is required for a single family dwelling in the zoning district in which the residential conversion is located.
 - (2) The minimum and maximum dimensional requirements specified by the zoning district on which the residential use is located shall not be reduced.
 - (3) The maximum building coverage and lot coverage requirements for the appropriate zoning district shall not be exceeded.
 - (4) The residential uses are serviced by public sewage disposal facilities or on-lot sewage disposal systems with sufficient capacities. If permitted, separate utility connections shall be evaluated in order to comply with the requirements of West Nantmeal Township.
 - (5) The residential uses are serviced by public water supply facilities or on-lot water supply facilities with sufficient capacities. If permitted, separate utility connections shall be evaluated in order to comply with the requirements of West Nantmeal Township.
 - (6) The residential conversion shall take place within a building capable of accommodating two (2) families.
 - (7) The building can be altered and improved to comply with all building code requirements. The applicant shall provide documentation to the Zoning Hearing Board, Zoning Officer, Building Code Official and Sewage Enforcement Officer that all plumbing, heating, electrical, sanitary sewer, storm sewer and similar facilities comply with all applicable ordinances, regulations, codes and laws specified by West Nantmeal Township and/or the Commonwealth of Pennsylvania.
 - (8) Each residential unit shall contain independent washing and bathing facilities as well as a complete kitchen with cooking facilities to accommodate the tenants.
 - (9) At least two (2) off-street parking spaces are provided for each unit, which are designed to comply with the provisions of Article 9 of this Zoning Ordinance.
 - (10) There shall be no external alterations of the building, unless it is required for safety, structural durability, accessibility, architectural enhancement, or as permitted by West Nantmeal Township.
- (C) If the residential conversion is permitted, the Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of such building as it deems appropriate.

Section 805: Height Exceptions

- (A) The building height limitations contained within this Zoning Ordinance shall not apply to chimneys, spires, belfries, cupolas, farm buildings, silos, greenhouse ventilators, antennas (not in combination with support towers), water tanks, and other similar appurtenances, which are usually required to be placed above the roof level and not intended for human occupancy.
- (B) The projection of the exempted structures specified within Section 805(A) may be increased to a maximum height of fifty (50) feet provided that the height of the exempted structure is not greater than the distance to any property line, as measured from the exempted structure to any property line.
- (C) Provisions relating to alternative or emerging energy facilities are specified under Section 819 of this Zoning Ordinance.
- (D) The height exceptions specified within this section of the Zoning Ordinance shall be consistent with the provisions specified by state and federal aviation laws. Where conflicts should arise, the provisions of the state or federal aviation law shall be upheld.

Section 806: Front Yard and Lot Width Exceptions

- (A) When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the zoning district in which the unimproved lot is located, the front yard required for the unimproved lot may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that this provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of the Ordinance and the improvements are located within one hundred (100) feet of the unimproved lot. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is erected.
- (B) All residential and non-residential lots shall comply with the appropriate minimum lot width requirement for that use in the zoning district on which it is located, as measured at the street line, legal right-of-way line, ultimate right-of-way line (where it exists) and the building setback line. The following lot width exceptions shall be permitted:
 - (1) Where single-family residential lots are created along the bulb of a cul-de-sac street, the minimum lot width may be reduced by twenty-five (25) percent of the required lot width at the street line, provided that the minimum lot width requirement is established at the building setback line, as measured from the street right-of-way line to a point equivalent to the front yard setback requirement, which is specified by the appropriate zoning district in which the single family detached dwelling is located.
 - (2) No more than four (4) single-family lots shall be located along the bulb of a cul-de-sac street.
 - (3) Where single-family residential lots are created along a street curve with a horizontal radius less than one hundred-fifty (150) feet, as measured along the street centerline, the minimum lot width may be reduced by twenty-five (25) percent of the required lot width, provided that the minimum lot width requirement is established at the building setback line, as measured from the street right-of-way line to a point equivalent to the front yard setback requirement, which is specified by the appropriate zoning district in which the single family detached dwelling is located. The side lot lines should be established at ninety (90) degree angles to the street line tangents or radial to the street line curves.
- (C) The Zoning Officer shall review and authorize all front yard and lot width exceptions in accordance with the provisions established under this section of the Zoning Ordinance. All such permitted exemptions shall be noted on the zoning permit, subdivision plan and/or land development plan.

Section 807: Flag Lots or Key Hole Lots

- (A) Flag lots or key hole lots are permitted as single family detached lots within the R-1 and R-2 Zoning Districts, subject to the following provisions:
- (1) Flag lots shall only be permitted within residential developments containing ten (10) or fewer lots, which are designed to accommodate single family detached dwelling units.
 - (2) No more than two (2) flag lots shall be permitted as a result of the overall subdivision and/or cumulative phases of the development. The applicant shall demonstrate that the following site conditions exist:
 - (a) The tract of land cannot be subdivided in a manner to comply with the minimum lot width and area requirements for the zoning district in which the flag lot is located.
 - (b) The tract of land represents the total contiguous land area owned by the applicant.
 - (c) The tract of land cannot be further subdivided in the future by normal or typical design.
 - (d) The tract of land cannot be properly subdivided due to the presence of certain physical or environmental development constraints associated with the site.
 - (e) The configuration of the proposed lots will not limit the potential for development on adjacent tracts of land in the future.
- (B) If the applicant demonstrates that the site conditions are amenable to the development of a flag lot, the subdivision shall be designed considering the following requirements:
- (1) The access strip or stem of the flag lot shall be designed in accordance with the following requirements:
 - (a) The access strip or stem of the flag lot shall be owned in fee simple and extended from an existing public street to the rear property line of the flag lot.
 - (b) The width of the access strip or stem shall be a minimum of fifty (50) feet.
 - (c) The Board of Supervisors may authorize a reduction in the width of the access strip or stem, if the applicant can demonstrate that it will not be utilized by more than one (1) principal use or party and that there will be no adverse problems associated with slope, drainage and/or sedimentation. The width of the access strip or stem may not be reduced to a width less than thirty (30) feet.
 - (d) The unimproved portion of the access strip or stem shall be properly graded and stabilized.
 - (e) The fifty (50) foot wide access strip or stem may be utilized as a future right-of-way to permit the construction of a public or private street. If additional lots are created and/or if additional lots utilize the access strip or stem for ingress and egress purposes, the fifty (50) foot wide access strip shall be improved to comply with the design standards and specifications for a public street.
 - (2) The net lot area for each flag lot shall meet or exceed the minimum lot area for the zoning district on which the flag lot is located. The area of the access strip or stem shall not be included as part of the net lot area for the flag lot.
 - (3) The building setback line for the flag lot shall meet the minimum required setback dimensions for the zoning district in which the flag lot is located. The setback lines shall be measured from the edge of the flag stem or flag portion of the lot. The front yard depth or setback shall be measured from the access strip or stem (extended through the lot) and from the rear property line. All other setback requirements shall comply with the rear yard setback provisions.

- (C) If the tract of land contains any residue or undeveloped land area, the applicant shall submit a sketch plan or a preliminary plan depicting how the remaining area will be developed or perpetually preserved as open space.

Section 808: Visibility at Street Intersections

- (A) Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing, except permitted street signs, traffic lights or signs, utility poles and mail boxes, which impedes vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow. Such triangles shall be established as follows:
- (1) For intersections involving a minor street, the dimension of the clear sight triangle shall be established for a distance of seventy-five (75) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
 - (2) For intersections involving a collector street, the dimension of the clear sight triangle shall be established for a distance of one hundred (100) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
 - (3) For intersections involving an arterial street, the dimension of the clear sight triangle shall be established for a distance of one hundred and fifty (150) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- (B) The functional classifications of all existing streets within West Nantmeal Township are identified within the West Nantmeal Township Comprehensive Plan.

Section 809: Corner Lot Restrictions and Requirements

- (A) For all corner lots, as defined under Article 2 of this Zoning Ordinance, the minimum lot width and front yard setback requirements of the zoning district on which the corner lot is located shall be applied to each street on which the corner lot has frontage.
- (B) In cases in which a pre-existing lot of record is changed or converted into a corner lot, as the result of an adjacent subdivision or land development, the front yard of the pre-existing lot shall be established along the public street to which it originally had frontage as well as along the proposed or new road to which it will have frontage. All other setback requirements shall conform with the appropriate side and rear yard setback requirements for the zoning district on which the pre-existing lot is located.
- (C) All corner lots shall comply with the provisions established for visibility at street intersections, as provided under Section 808 of this Zoning Ordinance.

Section 810: Fences, Walls and Hedges

- (A) Fences, walls and/or hedges may be permitted within and along the periphery of any required yard provided:
- (1) No fence, wall and/or hedge shall be erected or planted within or encroaching upon the legal or ultimate street right-of-way, floodway, utility easement or drainage easement.
 - (2) No fence, wall and/or hedge shall be erected in any manner that obstructs a clear line of sight or vision from a driveway or street intersection.
 - (3) All fences and walls utilized for a residential use shall not exceed a maximum height of three (3) feet within the front yard and six (6) feet within the side yard or rear yard. Fences exceeding three (3) feet in height may be permitted in the front yard provided the fence contains an open area of not less than seventy-five (75) percent.

- (4) All fences and walls utilized for a non-residential use shall not exceed a maximum height of eight (8) feet. Security fences for certain non-residential uses may be extended to twelve (12) feet in height.
 - (5) Fences and walls shall be constructed so as to place structural members toward the property being enclosed by the fence, thereby presenting the best appearance towards adjacent property.
 - (6) Security fencing for non-residential uses and agricultural uses may be utilized in all Zoning Districts.
 - (7) An existing fence or wall replaced in its entirety shall comply with the provisions established within this Zoning Ordinance.
 - (8) Ordinary and normal maintenance and/or repairs of a fence or wall in any zoning district shall not require the issuance of a permit. Otherwise, a permit shall be required for any fence installation or wall construction, as specified by this Zoning Ordinance.
 - (9) Any fence or wall, which in the judgment of the Zoning Officer is unsafe, dangerous, or a threat to the public health, safety and/or welfare shall be removed, repaired or replaced as determined necessary by the Zoning Officer at the expense of the property owner.
- (B) The following wall and/or fences shall be exempt from the provisions established under this section of the Zoning Ordinance:
- (1) Fences and walls used for agricultural uses in order protect and contain livestock.
 - (2) Fences and walls used for recreational uses in order to: provide security measures; minimize visibility; and to protect the public health, safety or welfare.
 - (3) Retaining walls constructed in accordance with industry and building code specifications.
 - (4) Fences and walls of an historic nature, which are accessory to an officially designated historic structure.
 - (5) Buried electronic fences used to control pets, provided that they do not emit radiation which would pose a threat to the public health, safety or welfare.
- (C) Prior to the installation of any fence, wall or hedge row, the landowner should verify the limits of the property lines that may be in question. In situations where the property line is in doubt, the Zoning Officer may require the property owner to have a professional land surveyor determine and mark the property line in question.

Section 811: Projections Into Yards

- (A) The following projections shall be permitted into required yards and shall not be considered in the determination of the lot coverage requirements:
- (1) A lawful building erected prior to the effective date of this Zoning Ordinance, which encroaches into the required side yard established for that district may be further extended into the rear yard, provided that the building extension is contiguous to the existing building and provided that the building extension maintains at a minimum the rear yard setback established for that zoning district.
 - (2) A porch abutting the frontage of a building, not exceeding twenty (20) feet in height nor sixteen (16) feet in width may be extended by not more than five (5) feet into the front yard with unenclosed sides except for four (4) columns, which support a roof limited to the dimensions of the porch plus an 18 inch projection on any side for cornices, eaves or gutters.
 - (3) A porch abutting the side of a building, not exceeding twenty (20) feet in height nor sixteen (16) feet in width may be extended by not more than five (5) feet into the side yard with unenclosed sides except for

four (4) columns, which support a roof limited to the dimensions of the porch plus an eighteen (18) inch projection on any side for cornices, eaves or gutters. In such cases, the porch shall be located at least five (5) feet from the property line.

- (4) Porches, decks or patios located within the rear yard of a single family semi-detached dwelling, multi-family townhouse units and multi-family apartment units may be located along the common lot line, provided that they do not project into the rear yard setback.
 - (5) A porch, deck or patio, which does not extend above the first floor elevation or contain a roof, may be erected into a required side or rear yard for a distance of not more than one-half the distance of the side or rear yard. In cases where a common wall or property line are not relevant, the porch, deck or patio shall be located at least ten (10) feet from the property line.
 - (6) A carport may be erected over an existing driveway provided that the carport is located in a manner to comply with all setback requirements for that zoning district.
 - (7) A buttress, chimney, cornice, pier or pilaster of a building may project not more than three (3) feet into a required yard setback.
 - (8) Open balconies, steps, fire escapes, basement door units, oriel windows, eaves, window sills, and other similar architectural or cantilever construction features may project into the required yard provided that such features shall project no more than five (5) feet into any required yard. In all such cases, the projection shall not be located closer than five (5) feet to a property line.
- (B) In situations where the property line is in doubt, the Zoning Officer may require the property owner to have a professional land surveyor determine and mark the precise limits of the property line in question.

Section 812: Non-Residential Performance Standards and Controls

- (A) Unless otherwise specified by other provisions adopted by West Nantmeal Township, all non-residential uses shall comply with the performance standards and controls specified by the West Nantmeal Township Zoning Ordinance.
- (B) With the exception of agricultural uses, the following requirements for air quality management shall apply to all existing and proposed non-residential uses:
- (1) No gases, vapors, odors and/or particulates shall be emitted from any non-residential use which are detrimental to persons, property, animals or vegetation.
 - (2) No toxic, radioactive or corrosive gases, vapors or fumes shall be released into the atmosphere.
 - (3) No odors causing annoyance or discomfort to the adjacent residents shall be detectable beyond the property lines of the non-residential use on which such odors originate.
 - (4) Any storage or spreading of manure, sludge, fertilizer, or other soil enrichment substances shall be conducted in a manner to limit odor. Further, all such activities shall be conducted in manner required by all pertinent local, state and federal laws.
 - (5) All state and federal regulations concerning air pollution or air quality shall be considered as minimum standards for the control of smoke, dust, fumes and emissions.
- (C) The provisions pertaining to noise and vibration control are further specified and regulated under West Nantmeal Township Ordinance Number 97.
- (D) The following requirements for light, glare and heat control shall apply to all non-residential uses:

- (1) Any non-residential use or operation producing intensive light, glare and/or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the boundary lines.
 - (2) No luminaire, spotlight or other source that is within two hundred (200) feet of a residential use shall be placed at a height exceeding twenty (20) feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety or lights intended to illuminate an architectural feature.
 - (3) All light sources utilized shall be shielded or diffused to prevent the lighting from creating a nuisance to adjacent properties or prevent a distraction to motorist on adjacent public streets.
 - (4) Any flashing, flickering or strobe lighting shall not be detected from any point beyond the boundary lines.
 - (5) All non-residential uses shall also comply with the provisions specified under Section 817 of this Zoning Ordinance.
- (E) The following requirements for sewage disposal, wastewater management and water supply shall apply to all existing and proposed non-residential uses:
- (1) In no case shall potentially hazardous effluent or waste from any non-residential use be discharged into the environment or public infrastructure.
 - (2) The effluent from any non-residential use shall comply with the regulations specified by West Nantmeal Township and/or the Pennsylvania Department of Environmental Protection.
 - (3) All non-residential uses shall comply with all pertinent provisions relating to sewage disposal, wastewater management and water supply, as adopted by West Nantmeal Township.
- (F) The following requirements for solid waste management and disposal shall apply to all non-residential uses:
- (1) No storage of solid waste materials on the site shall be permitted in excess of ten (10) days.
 - (2) All solid waste materials awaiting transport shall be properly screened and concealed from the view of all adjacent properties. All containers shall be enclosed, vermin-proof and have adequate storage capacity to accommodate existing and projected volumes of solid waste.
 - (3) All solid waste management violations must be resolved within a twenty-four (24) hour period.
 - (4) Incineration for the purpose of reducing or disposing of liquid or solid waste material must comply with the appropriate provisions for open burning and incineration adopted by West Nantmeal Township as well as all state and federal air quality standards.
 - (5) All non-residential uses shall comply with the appropriate provisions for garbage, refuse and rubbish disposal, as adopted by West Nantmeal Township.
- (G) The following requirements for outdoor storage shall apply to all existing and proposed non-residential uses:
- (1) Outdoor storage of any type shall be prohibited, if such storage is considered and/or construed as malodorous, hazardous to the environment and potentially detrimental to the health and safety of the adjacent property owners.
 - (2) All storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by a security fence and planting screen adequate to conceal the storage facilities from the view of adjacent properties.
 - (3) No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.

- (4) No materials or substances, which have the potential to contaminate groundwater or surface water shall be permitted to be stored outside unless the owner can provide safeguards, which are satisfactory to West Nantmeal Township as well as all other state and federal agencies.
 - (5) Commercial outdoor sales shall comply with the provisions of Section 815 of this Zoning Ordinance.
- (H) The following utility and energy requirements shall apply to all existing and proposed non-residential uses:
- (1) Electromagnetic radiation, which interferes with radio, telephone, satellite or television reception, or other communication equipment, shall be completely imperceptible from any point beyond the property lines.
 - (2) No injurious electromagnetic radiation or radioactive emission shall be produced by any non-residential use. All radioactive emissions shall meet federal and state standards.
 - (3) Unless otherwise required by the utility company or authority providing service, all utilities shall be installed underground.
- (I) No building or structure may be erected, altered or used, and no lot or premises may be used, for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination or similar substances or conditions.

Section 813: Landscaping

- (A) Where zoning district or development regulations require landscaping, street trees, replacement trees, buffer yards, screening and/or planting strips, the applicant shall prepare and submit a landscaping plan in accordance with the provisions specified by this Zoning Ordinance and the Subdivision and Land Development Ordinance.
- (B) The plant materials utilized for a landscaping plan shall be selected from the approved list, as contained within the Subdivision and Land Development Ordinance.
- (C) The design standards and specifications for landscaping, street trees, replacement trees, buffer yards, screening and/or planting strips are contained within the Subdivision and Land Development Ordinance.

Section 814: Temporary Structures and Uses

- (A) A temporary permit shall be issued for the authorization of temporary structures or uses necessary during construction, renovations, remediation, moving or other special circumstances of a discontinuing nature.
- (B) The time period of the initial permit shall be one (1) year, which may be renewed for one (1) year time periods up to and not exceeding two (2) years from the time the original temporary permit was issued.
- (C) The temporary structure(s) shall be removed completely within thirty (30) days of the expiration of the permit without cost to West Nantmeal Township.

Section 815: Commercial Drive-Through Establishments

- (A) Commercial drive-through establishments, as defined under Article 2 of this Zoning Ordinance, shall be considered as an accessory feature or use to the following uses: banks and financial institutions; car washing facilities; personal service establishments; retail uses; restaurants; and other uses that are generally associated as having drive-through facilities, as determined by the Zoning Officer.
- (B) Commercial drive-through establishment may be located on a conforming lot in the C-1 and I-1 Zoning District provided that the principal use complies with the minimum and maximum dimensional requirements, which are further specified by the zoning district on which the commercial drive-through establishment is located or by the appropriate development requirements specified by this Zoning Ordinance.
- (C) The following design standards and specifications shall apply to commercial drive-through facilities:
 - (1) The commercial drive-through facilities and access lanes shall be located at least one hundred (100) feet from an existing residential use or residential zoning district, as measured from the property line.
 - (2) The side and rear lot lines of the commercial drive-through establishment shall be adequately screened with a landscaped buffer yard.
 - (3) All means of ingress and/or egress shall be located at least two hundred (200) feet from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant shall be responsible for the purchase and installation of any traffic control devices and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvania Department of Transportation or West Nantmeal Township.
 - (4) Interior accessways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
 - (5) A stacking or pre-service lane, measuring at least ten (10) feet in width and eighty (80) feet in length shall be provided for each service lane or bay for the drive-through establishment. Alternative designs may be accepted by West Nantmeal Township as part of a land development plan application, provided that the design does not interfere with internal or external traffic patterns.
 - (6) All designated points of ingress and egress for all vehicles shall be designed to consider traffic volumes on existing streets and adjacent uses.
 - (7) All exterior speaker, microphone or intercom systems shall be designed in a manner so the messages, music or other sounds are not audible at any street line or property line. All such systems shall not be utilized between the hours of 9:00 pm and 7:00 am.
 - (8) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.5 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway center line of the contiguous street shall not exceed 1.0 footcandle.

Section 816: Commercial Outdoor Storage and Sales

- (A) Outdoor storage of any type shall not be permitted unless such storage conforms to the normal functions and procedures conducted on the premises. Outdoor storage of any type that is not a normal function of the property or permitted use shall be prohibited, if such storage is considered as unsightly, malodorous, hazardous to the environment and potentially detrimental to the health and safety of the adjacent property owners.
- (B) The materials to be stored outdoors shall be enclosed by a fence and planting screen to conceal the storage facilities from the view of adjacent properties.

- (C) The location of the permitted materials to be stored outside as well as any required fence enclosure shall comply with the minimum setback provisions of the zoning district in which it is located.
- (D) Any lot, land or structure, or parts thereof, used for the collection, storage, dismantling, salvage, sale, exchange and/or recycling of used and discarded materials, including, but not limited to, waste, paper, rags, glass, containers, fabric, debris, and similar material from vehicles, equipment or machinery shall be considered as a "junk yard" or "salvage yard", which as a result of being classified of such use shall conform with the provisions of Section 730 of this Zoning Ordinance.
- (E) The deposit or storage of two (2) or more unlicensed, non-inspected, abandoned, wrecked or disabled vehicles shall be deemed to be a "junk yard" or "salvage yard", which as a result of being classified of such use shall conform with the provisions of Section 730 of this Zoning Ordinance.
- (F) The storage of licensed, functional or operational equipment and vehicles utilized as part of a non-residential use shall be permitted, provided that the equipment or vehicles are not exclusively part of a junk yard or salvage yard operation in West Nantmeal Township.
- (G) The storing or parking of automobiles for sale shall not be located within any street right-of-way and shall be located at least ten (10) feet from all other property lines.
- (H) No materials or waste shall be deposited on site in such form or manner by which it can be transported off the site by natural causes or forces.
- (I) No exterior storage of a substance, which has the potential to contaminate groundwater or surface water, shall be permitted unless the owner provides and installs safeguards, which are satisfactory to West Nantmeal Township and the Pennsylvania Department of Environmental Protection and/or agency with jurisdiction. All such protective safeguards shall be subject to the review and approval by West Nantmeal Township.
- (J) Commercial outdoor sales may be permitted as an accessory feature or use to permitted non-residential use within the C-1 and I-1 Zoning Districts. Commercial outdoor sales shall be subject to the following requirements:
 - (1) All permitted commercial outdoor sales or visual display areas shall comply with the minimum setback requirements for the zoning district on which the commercial use is located.
 - (2) All permitted commercial outdoor sales or visual display areas shall comply with the provisions for visibility at street intersections, as specified by Section 808 of this Zoning Ordinance.
 - (3) All permitted commercial outdoor sales shall not compromise the safety of pedestrians or vehicular traffic by altering or obstructing their respective travel patterns.
 - (4) Commercial outdoor sales may be permitted for those non-residential uses whose merchandise are customarily displayed outdoors, provided the use has been designated, approved and permitted as a temporary use and activity on the site.
 - (5) Seasonal or sidewalk sales may be permitted on the sidewalk or outside of the front or side of the principal building of a retail establishment, whereas, goods are offered for retail sale to the public, typically at discounted price, provided that all such sales shall not exceed 180 cumulative days during the course of a calendar year.

Section 817: Exterior Lighting

- (A) This section sets forth minimum criteria for the installation, use and maintenance of exterior lighting, the purposes of which are to require lighting in outdoor public places where safety and security are concerns; protect drivers and pedestrians on nearby streets from glare from non-vehicular light sources that shine directly into their eyes and thereby impair safe travel; shield neighboring properties from glare resulting from excessive light sources and from nonexistent or improperly directed or shielded light sources; limit the height of light standards to preclude or lessen light pollution; and promote efficient design and operation with regard to energy conservation.

- (B) Lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto and for all subdivisions and/or land developments for business, commercial, retail, personal service, industrial, multi-family, recreational, institutional and public uses, and for all construction or reconstruction or improvement of any such use for which land development approval is not required. In the approval of any subdivision or land development plan, West Nantmeal Township shall have the authority to require lighting to be incorporated for other uses or locations where in their reasonable discretion such lighting is warranted. In addition, the provisions of this section shall apply to signs, architectural lighting, and landscape lighting.
- (C) Where required by West Nantmeal Township to demonstrate compliance with the provisions of this Zoning Ordinance, a lighting plan shall be prepared and submitted in accordance with the following criteria:
- (1) A lighting plan shall be submitted for review and approval for all applications and uses, which require exterior lighting.
 - (2) The lighting plan shall include a schematic layout of all proposed exterior fixture locations, footcandle data, and a plat demonstrating intensities and uniformities within the limitations established within this Zoning Ordinance, as well as the manufacturer's description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, proposed hours of operation of the lighting, and maintenance schedule. Illumination intensities shall be plotted on a ten-foot-by-ten-foot grid.
 - (3) The applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare, both on the use or development site and on adjacent properties.
 - (4) The lighting facilities shall be designed in a manner so the illumination does not exceed 0.1 footcandle, as measured at the property lines, except at driveway entrances, provided the illumination at the cartway centerline of the street shall not exceed 1.0 footcandle.
- (D) Lighting plans shall be prepared to comply with the provisions specified within the West Nantmeal Township Subdivision and Land Development Ordinance.

Section 818: Swimming Pools and Therapeutic Spas

- (A) Private non-commercial swimming pools, which are designed to contain a water depth of twenty-four (24) inches or more, that are utilized for the purpose of swimming and bathing shall comply with the following standards:
- (1) The pool shall be considered as an impervious surface and applied to the maximum impervious surface ratio permitted on the lot for which it is located.
 - (2) The swimming pool, filters, pumps, apron and other mechanical or structural equipment shall only be permitted within the side yard or rear yard of a lot, and shall comply with the following setback requirements:
 - (a) Swimming pools shall be located a minimum of ten (10) feet from the side lot line and rear lot line for properties located within the R-3 and C-1 Zoning Districts.
 - (b) Swimming pools shall be located a minimum of twenty (20) feet from the side lot line and rear lot line for properties located within the R-1, R-2 and I-1 Zoning Districts.
 - (3) Any flood lighting or other illumination used in conjunction with the swimming pool shall be shielded and directed away from adjacent property owners.
 - (4) The swimming pool shall be enclosed by a secured fence or barrier and shall be equipped with a self-latching gate, which shall comply with the specifications of the building codes adopted by West Nantmeal Township.

- (5) The pool shall be used or intended to be used in connection with a residential use and available only to the family of the householder and their private guests.
- (B) Public, community or commercial swimming pools, which are designed to contain a water depth of twenty-four (24) inches or more, shall be considered an active or commercial recreation use, which shall comply with the provisions of Section 742.2 (Recreational Uses) of this Zoning Ordinance.
- (C) Therapeutic spas or hot tubs, which are designed to contain a water depth of twenty-four (24) inches or more shall comply with the following standards and specifications:
 - (1) The therapeutic spa or hot tub, including the filters, pumps and other mechanical or structural equipment shall comply with the following setback requirements:
 - (a) Therapeutic spas or hot tubs shall be located a minimum of five (5) feet from the side lot line and rear lot line for townhouse units located within the R-3 and C-1 Zoning Districts.
 - (b) Therapeutic spas or hot tubs shall be located a minimum of ten (10) feet from the side lot line and rear lot line for single-family detached dwellings and single-family semi-detached dwellings located within the R-3 and C-1 Zoning Districts.
 - (c) Therapeutic spas or hot tubs located within the R-1, R-2 and I-1 Zoning Districts shall comply with the setback requirements of the zoning district on which use and the accessory therapeutic spa and hot tub is located.
 - (2) Any flood lighting or other illumination used in conjunction with the pool, therapeutic spa or hot tub shall be shielded and directed away from adjacent property owners.
 - (3) The therapeutic spa or hot tub shall be completely enclosed by a cover or barrier in accordance with the specifications of the manufacturer and the building codes established by West Nantmeal Township.
 - (4) The therapeutic spa or hot tub shall be used in connection with a permitted residential use and shall be available only to the family of the householder and their private guests.
- (D) In addition to these provisions, the requirements for permits, construction, plumbing, sanitation, inspection, operation and maintenance, which are further regulated under the codes adopted by West Nantmeal Township shall apply.

Section 819: Alternative and Emerging Energy Facilities

- (A) Purpose and Objective
 - (1) West Nantmeal Township seeks to provide opportunities for alternative and emerging energy facilities while regulating the use of potentially intrusive facilities, equipment and machinery.
 - (2) The purpose of this section of the Zoning Ordinance is to establish provisions for the design, permitting, construction and operation of alternative and emerging energy facilities within the Township, subject to reasonable conditions that will protect the public health, safety and/or general welfare of the community.
- (B) Specific terms relative to “alternative and emerging energy facilities” that are utilized within this section are further defined under Section 202 of this Zoning Ordinance.
- (C) Applicability and Permitted Uses
 - (1) This section of the Zoning Ordinance shall apply to all alternative and emerging facilities that are proposed to be constructed after the effective date of the Ordinance.

- (2) Alternative and/or emerging energy facilities constructed prior to the effective date of this section of the Zoning Ordinance shall not be required to meet the requirements specified under this section of the Zoning Ordinance. Any physical modification to an existing alternative or emerging energy facility that alters the size, type and generating capacities of the facilities shall require a permit and shall comply with the applicable provisions specified under this section of the Zoning Ordinance.
- (3) Alternative and/or emerging energy facilities shall be permitted within all zoning districts. If the alternative and/or emerging energy facility is an accessory use, it shall be permitted by right, except for wind turbines which require conditional use approval of the Board. If the alternative and/or emerging energy facility is the principal use of the property, it shall be permitted by conditional use of the Board of Supervisors.
- (4) Alternative and/or emerging energy facilities may be utilized as the primary energy source by the principal use of the lot on which it is located. Surplus energy may be exchanged, transferred and/or sold to a public or private utility company, provided that such surplus energy is exchanged, transferred and/or sold in accordance with the provisions established by the Public Utility Commission and Public Utility Code.
- (5) Private Energy and Utility Providers, as defined under Section 202 of this Zoning Ordinance, shall comply with all provisions established by the Public Utility Commission and the Public Utility Code.

(D) Land Use and Dimensional Requirements

- (1) The following provisions shall specifically apply to wind turbines or wind energy facilities:
 - (a) Wind turbines or wind energy facilities shall be permitted by conditional use.
 - (b) Wind turbines or wind energy facilities that are designed and permitted as an attached alternative energy facility shall comply with the maximum height requirements for buildings in the zoning district on which it is located.
 - (c) Wind turbines or wind energy facilities that are designed and permitted as a freestanding alternative energy facility shall be setback more than 1.1 times the turbine height. The required setback distance shall be measured from the center of the wind turbine base to the nearest point of the occupied building.
 - (d) All wind turbines or wind energy facilities shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.
 - (e) All wind turbines or wind energy facilities shall be setback from all occupied buildings located on a non-participating landowner's property a distance of not less than five (5) times the turbine height, as measured from the center of the wind turbine base to the nearest point of the occupied building(s).
 - (f) All wind turbines or wind energy facilities shall be setback from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The required setback distance shall be measured from the center of the wind turbine base to the property line.
 - (g) All wind turbines or wind energy facilities shall be setback from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the center of the wind turbine base to the right-of-way line of the nearest public road.
 - (h) No wind turbine shall be permitted in the front yard of the lot on which it is located.
 - (i) The minimum height of a wind turbine shall be fifteen (15) feet, as measured from the ground surface to the tip of the blade at its lowest turning movement.

- (j) The maximum height of a wind turbine shall be fifty (50) feet, as measured from the ground surface to the tip of the blade at its highest turning movement.
 - (k) A non-participating landowner shall not intentionally block, interfere or disrupt the functional operation from an existing wind resource to an alternative energy facility.
- (2) The following provisions shall specifically apply to solar energy systems:
- (a) Solar energy systems shall be permitted by right provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Zoning Ordinance.
 - (b) Solar energy systems which are designed as an attached alternative energy facility shall be permitted provided that all structural components of the solar energy system do not exceed the permitted building height requirements of the zoning district on which it is located. The building height shall be measured from the average ground elevation of the building to the average height of the solar panel(s) or other structural components of the solar energy facilities.
 - (c) Solar energy systems designed and permitted as a freestanding alternative energy facility shall not exceed fifteen (15) feet in height and shall be located at least fifteen (15) feet from a property line. All such solar energy systems shall comply with the building and lot coverage requirements of the zoning district on which it is located.
 - (d) Solar energy systems shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.
 - (e) Solar energy systems shall be located behind the front façade of the building occupying the permitted use. No solar energy system shall be permitted in the front yard of the lot on which it is located.
 - (f) A non-participating landowner shall not intentionally block, interfere or disrupt the functional operation of an existing solar energy system.
 - (g) Solar energy panels shall be designed and located in order to minimize glare towards an occupied residential use.
- (3) The following provisions shall specifically apply to geothermal energy systems:
- (a) Geothermal energy systems shall be permitted by right provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Zoning Ordinance.
 - (b) Geothermal energy systems shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.
 - (c) Geothermal energy systems may be located on a lot with a permitted use provided that all structural components comply with the building setback requirements and lot coverage requirements of the zoning district on which it is located.
 - (d) A non-participating landowner shall not intentionally block, interfere or disrupt the functional operation of a geothermal system.
- (4) The following provisions shall specifically apply to wood-fired broilers:
- (a) Wood-fired boilers shall be permitted by special exception within the R-1, R-2, C-1 and I-1 Zoning Districts.

- (b) Wood-fired broilers shall be located on a conforming lot with a minimum lot area of two (2) net acres.
 - (c) Wood-fired boilers designed as a freestanding alternative energy facility shall not exceed twenty (20) feet in height and shall be located at least fifty (50) feet from a property line. All such systems shall comply with the building and lot coverage requirements of the zoning district on which it is located.
 - (d) Wood-fired boilers shall be located, designed and installed as per the manufacturer's specifications as well as all zoning, building code and utility requirements.
 - (e) Wood-fired boilers shall be located behind the front façade of the building occupying the permitted use. No structural components of the wood-fired broiler shall be permitted in the front yard of the lot on which it is located.
 - (f) Wood-fired boilers shall be designed and located in order to minimize smoke and odor that is emitted and directed towards an occupied residential use.
 - (g) Wood-fired boilers may be located on a lot provided that it is located, designed and installed considering the health, safety and general welfare of the adjacent property owners.
- (5) The following provisions shall specifically apply to emerging energy facilities:
- (a) Emerging energy systems shall be permitted by special exception provided that such facilities are located on a lot with a permitted use in accordance with the applicable provisions of the Zoning Ordinance.
 - (b) Emerging energy systems may be located on or attached to an occupied building provided that the structural components of the emerging energy facilities do not exceed the permitted building height requirements of the zoning district to which it is located.
 - (c) Emerging energy systems may be located on a lot with a permitted use provided that all structural components comply with the building setback requirements and lot coverage requirements of the zoning district on which it is located.
 - (d) Emerging energy systems may be located on a lot provided that it is located, designed and installed considering the health, safety and general welfare of the adjacent property owners. As part of the special exception application, the Zoning Hearing Board may attach reasonable conditions and safeguards.
- (6) The following renewable energy resource protection provisions shall apply to alternative or renewable energy resource protection:
- (a) The landowner shall provide documentation of the land and airspace on his property, which must remain open to assure adequate solar access, water and/or wind to the renewable energy system. All such documentation shall be considered as part of the permit application or special exception application.
 - (b) As part of the permit application, the landowner shall notify the Zoning Officer that the alternative or renewable resource system has been installed. The landowner shall also provide the Zoning Officer with any other permits that have been obtained from agencies with jurisdiction in order to locate the alternative or renewable energy resource system on his property.
- (7) The following setback modifications may be considered for alternative and/or emerging energy facilities as part of a zoning variance application:

- (a) A landowner may obtain a modification of the setback requirements specified under §140-58.8.4.A (occupied buildings on non-participating landowner's property) by having a modification agreement executed between both parties, which sets forth the applicable setback provision(s) and the proposed changes.
 - (b) The written modification agreement shall notify the property owner(s) of the setback required by this section of the ordinance, describe how the proposed alternative and emerging energy facility is not in compliance, and testify that consent is granted for the alternative or emerging energy facility to not be setback as required by this section of the ordinance.
 - (c) Any such modification agreement shall be recorded in the Bucks County Recorder of Deeds Office. The modification agreement shall describe the properties benefited and burdened, and inform all subsequent purchasers that the modified setback shall run with the land and may forever burden the subject property.
 - (d) Any modification pertaining to the dimensional setback requirements from public roads or street rights-of-way shall not be considered as part of any application.
 - (e) Any modification pertaining to the dimensional setback requirements from an adjacent property owner shall not be considered as part of any application.
- (8) The following provisions shall apply to noise, shadow flickering and/or interference involving alternative and/or emerging energy facilities:
- (a) Audible sound from any alternative and/or emerging energy facility shall not exceed the noise levels set forth in the Township's Noise Ordinance.
 - (b) The applicant shall make reasonable efforts to minimize shadow flicker at the property line.
 - (c) The applicant shall not disrupt radio, telephone, television or similar communication signals, and shall mitigate any harm caused by the alternative and/or emerging energy system.

(E) Permit and Application Requirements

- (1) No alternative or emerging energy facility shall be located, modified or constructed within the Township unless a permit has been issued to the landowner in accordance with the provisions of this section of the Zoning Ordinance.
- (2) The permit application and special exception and/or conditional use application shall demonstrate that the alternative or emerging energy facility will comply with the provisions contained under this section of the Zoning Ordinance. The following specific items shall be provided by the applicant:
 - (a) A complete narrative describing the proposed alternative or emerging energy facility, which shall include: a project overview; the project location; the number of the alternative or emerging energy facilities; the area and height of the alternative or emerging energy facilities; the initial and potential generating capacities; the facility dimensions; and the manufacturer's specifications.
 - (b) An affidavit or similar evidence of agreement between the landowner and the facility owner/operator demonstrating that the facility owner/operator has the capabilities and permission of the landowner to apply for necessary permits for construction and operation of the alternative or emerging energy facility.
 - (c) The properties within five hundred (500) feet on which the proposed alternative or emerging energy facility will be located.

- (d) A site plan showing the boundary lines of the property occupied by the alternative or emerging energy facility and the properties within five hundred (500) feet on which the proposed alternative or emerging energy facility will be located. The site plan shall also include: topographical and natural features; the planned location of the alternative or emerging energy facilities; the building setback lines; the access road and turnout locations; building and structures; and all public utilities.
- (e) The existing and projected annual energy needs of the permitted use that will benefit from the alternative or emerging energy facility, including the amount of surplus energy that will be exchanged, transferred and/or sold to a public or private utility company.
- (f) Documents related to the potential abandonment and/or decommissioning of the alternative or emerging energy facilities.
- (g) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this section of the Zoning Ordinance.

(F) Design, Transport and Installation Requirements

- (1) The design of the alternative or emerging energy facility shall conform to applicable industry standards, including those of the American National Standards Institute, the Uniform Construction Code, and/or other pertinent codes adopted by Northampton Township.
- (2) The following provisions shall apply to the use of public roads involving the transport of alternative and/or emerging energy facilities.
 - (a) The applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the alternative and/or emerging energy facility.
 - (b) The Township Engineer shall inspect and document the condition of all roads prior to construction and thirty (30) days after the construction has been completed or as weather permits. The applicant shall be responsible for the payment of all fees associated with the inspections conducted by the Township Engineer.
 - (c) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense to the satisfaction of the Township Engineer.
 - (d) The Township may require the applicant to post a bond for any required repairs or maintenance to public roads
- (3) All wind turbines and wind energy facilities shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- (4) Above-ground alternative and emerging energy facilities shall be clear-coated, transparent, and/or be designed with a non-obtrusive color such as white, off-white, gray or black. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- (5) Above-ground alternative and emerging facilities shall not display advertising, except for reasonable identification of the manufacturer.
- (6) On-site transmission and power lines between an alternative or emerging energy facility shall be placed underground.

- (7) Clearly visible warning signs concerning voltage must be placed at the base of all above-ground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- (8) Wind turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- (9) Above-ground alternative and emerging energy facilities shall not be combined with other support towers or accessory structural components that are devoted to or utilized by public or private utilities.

(G) Liability and Insurance Requirements

- (1) The landowner and the operator shall be responsible for repairing any excess damage to public or private roads caused by the alternative and emerging energy facility.
- (2) Unless otherwise required by the Township, the landowner shall maintain a general liability policy covering bodily injury and property damage with a minimal limit of at least \$1 million per occurrence and a minimum of \$1 million in the aggregate. Certificates shall be made available to the Township upon request.

(H) Decommissioning

- (1) The landowner or facility operator shall, at its expense, complete decommissioning of the alternative or emerging energy facility within (12) twelve months after the end of the useful life of the alternative and emerging system. The alternative or emerging energy system will presume to be at the end of its useful life if no energy is generated for a continuous period of twelve (12) months.
- (2) The removal of the above-ground alternative or emerging energy facility components shall be completed within twelve (12) months of decommissioning of the alternative or emerging energy system. All disturbed earth shall be re-stored, graded and re-seeded.
- (3) The landowner or facility operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided that at no point shall decommissioning funds be less than twenty-five percent (25%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or a lending institution approved by the Township.
- (4) An independent and certified professional engineer may be retained by the Township to inspect the decommissioning of the alternative and emerging facilities. All such inspection fees shall be paid by the applicant or landowner.
- (5) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable by the Township.
- (6) If the landowner or facility operator fails to complete decommissioning during the prescribed period of twelve (12) months, the Township may take such measures as necessary to complete decommissioning in accordance with this Zoning Ordinance and the Commonwealth of Pennsylvania.
- (7) The Township may release the decommissioning funds when the landowner or facility operator has satisfactorily demonstrated compliance with the decommissioning plan.

(I) Public Inquiries, Inspections, Violations and Remedies

- (1) The landowner and the facility operator shall provide the Township with a telephone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the alternative or emerging energy facility.
- (2) The landowner and the facility operator shall consult with a qualified inspector every twelve (12) months to determine if the alternative and emerging energy facility is operating in accordance with the specifications of the manufacturer.

Section 820: Blasting and Detonation Requirements

- (A) All general blasting and/or detonation operations shall conform with the regulations of the International Fire Code and the provisions contained in NFPA 495.
- (B) Blasting and/or detonation operations for any purposes shall comply with all local, state and federal laws.
- (C) The storage of explosives shall be in accordance with all pertinent local, state and federal laws.
- (D) Written notice of all blasting and/or detonation operations shall be given at least twenty-four (24) hours prior to the commencement of blasting and/or detonation to the West Nantmeal Township Zoning Officer and to the occupants of all properties within a radius of one thousand (1,000) feet of the location of the blasting and/or detonation. In addition, notice shall be given to the local fire department and police department.
- (E) All blasting and/or detonation operations shall be conducted by a qualified licensed contractor. A copy of the license and certificate of insurance shall be provided to West Nantmeal Township at least twenty-four (24) hours prior to the commencement of blasting. The minimum amount of the certificate of insurance shall be determined by the Zoning Officer.

Section 821: Domestic Livestock Use

- (A) Domestic livestock use shall be permitted as an accessory use to a single-family use, subject to the regulations specified under this section of the Zoning Ordinance.
- (B) The following definitions shall specifically apply to domestic livestock uses:

Domestic Livestock Use - Any activity involving the breeding, raising, caring for, housing, hobby/personal use of domestic animals and products derived from those animals by the occupant, owner or lessee of the lot on which such use is located. Such animals may include, but need not be limited to, equine species such as horses and ponies, camelids such as llamas and alpacas, and other species not defined as household pets or regulated elsewhere in this Ordinance. A domestic livestock use shall not include breeding, raising, caring for, housing and hobby/personal use of wild or dangerous animals which are regulated by federal or state law. A domestic livestock use shall be accessory to a single family detached dwelling located on the same lot. This definition excludes all commercial animal operations such as, but not limited to, livestock production for wholesale and retail markets, boarding and riding stables, kennels and liveryes.

Animal Unit (AU) - One thousand (1,000) pounds live weight of livestock, fowl or other animals, regardless of the actual number of individual animals comprising the unit.

Standard Animal Weight - The given weight of a particular animal, whether mature or immature, used to determine how many animals comprise an Animal Unit as defined in this Section.

(C) Matrix Chart 10 provides the standard animal weights to be applied to domestic livestock uses.

Matrix Chart 10: Standard Animal Weights for Domestic Livestock Uses	
Type of Animal	Standard Weight in Pounds During Production (Range)
Swine	
Nursery Pig	30 (15-45)
Finishing Pig	145 (45-245)
Gestating Sow	400
Sow and Litter	470
Boar	450
Beef	
Calf [0-8 months]	300 (100-500)
Finishing [8-24 months]	850 (500-1,200)
Cow	1,150
Veal	
Calf [0-16 weeks]	250 (100-400)
Poultry	
Layer [18-65 weeks]	3.25 (2.75-3.76)
Layer [18-105 weeks]	3.48 (weighted average)
Layer Brown Egg [20-65 weeks]	4.3 (3.6-5)
Layer Brown Egg [20-105 weeks]	4.63 (weighted average)
Pullets [0-18 weeks]	1.42 (0.08-2.75)
Broiler, Large [0-57 days]	3.0 (0.09-5.9)
Broiler, Medium [0-43 days]	2.3 (0.09-4.5)
Roaster	
Male[0-8 weeks]	3.54 (0.09-7)
Female [0-10 weeks]	3.54 (0.09-7)
Turkey, Tom [0-18 weeks]	14.1 (0.12-28)
Turkey, Hen [0-14 weeks]	7.1 (0.12-14)
Duck [0-43 days]	3.56 (0.11-7)
Guinea [0-14 to 24 weeks]	1.9 (0.06-3.75)
Pheasant [0-13 to 43 weeks]	1.53 (0.05-3)
Chukar [0-13 to 43 weeks]	0.52 (0.04-1)
Quail [0-13 to 43 weeks]	0.26 (0.02-0.5)
Dairy	
Holstein/Brown Swiss Cow	1,300
Heifer [1-2 years]	900 (650-1,150)
Calf [0-1 years]	375 (100-650)
Bull	1,500
Ayrshire/Guernsey Cow	1,100
Heifer [1-2 years]	800 (575-1,025)
Calf [0-1 years]	338 (100-575)
Bull	1,250
Jersey	
Cow	900
Heifer [1-2 years]	600 (400-800)
Calf [0-1 years]	225 (50-400)
Bull	1,000
Sheep	
Lamb [0-26 weeks]	50 (10-90)
Ewe	150
Ram	185

Goat	
Kid [0-10 months]	45 (5-85)
Doe	125
Buck	170
Horse	
Foal [0-6 months]	325 (125-625)
Yearling	750 (625-875)
Nondraft Breeds, Mature	1,000
Draft Breeds, Mature	1,700
Horse	
Foal [0-6 months]	325 (125-625)
Yearling	750 (625-875)
Nondraft Breeds, Mature	1,000
Draft Breeds, Mature	1,700
<p>Note: For those animal types not included in Matrix Chart 10, the average animal weight shall be determined by the Zoning Officer by contacting local breeders and/or owners of such animals to determine an appropriate representative weight.</p>	

(D) The following provisions shall apply to lot size requirements for domestic livestock uses:

- (1) The minimum lot size required for the zone in which the domestic livestock use is located must be met. One (1) acre, exclusive of buildings and impervious surfaces, must be provided for each Animal Unit which is housed or pastured on the lot. One (1) additional acre of land shall be provided for each additional Animal Unit, beyond the one (1) permitted on the first acre, which is to be housed or pastured on the lot.
- (2) The land designated as acreage for each Animal Unit shall be used exclusively for the animal(s) of the domestic livestock use proposed, and such open area shall be maintained entirely in vegetative cover. Wood lots and forested areas shall not be included in the calculation of the open acreage required for an Animal Unit(s).

(E) The following provisions shall apply to setback requirements for domestic livestock uses:

- (1) All buildings and structures used to house animals for the domestic livestock use, and any buildings or structures used to store feed or other materials used for the domestic livestock use, shall be located a minimum of fifty (50) feet from all property lines. Such buildings and structures shall not be located in the front yard.
- (2) Any area, structure or building used for the storage of animal wastes shall be set back a minimum of one hundred (100) feet from all property lines, existing street right-of-way lines, wetlands and waterways. Such areas, structures and buildings shall not be located in the front yard.

(F) The following provisions shall apply to fencing requirements for domestic livestock uses:

- (1) All animals in the domestic livestock use shall be kept within a fenced enclosure at all times when said animals are not leashed, haltered, or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.
- (2) All grazing or pasture areas shall be fenced.

(G) Conversion of a domestic livestock use to a more intense, commercial livestock operation shall not be permitted. No conversion of a domestic livestock use to any other principal or accessory use shall be permitted unless such use complies with all provisions in this Ordinance and permitting requirements in force and effect at the time such a conversion is applied for.

- (H) Animal wastes, such as manure and other by-products of animal husbandry, shall be stored, maintained and disposed of in such a manner as to preclude discharge to the waters of the Commonwealth (as the term is defined by the Clean Stream Laws, 35 P.S. §691.1) and contiguous or adjoining properties by action of stormwater and other natural elements. Lots shall be graded so that animal wastes are confined to the lots on which they originate or are stored. The design and construction of animal waste storage facilities shall be in accordance with applicable federal and state regulations, whichever is more stringent, and shall be approved by the Chester County Conservation District.
- (I) The proposed domestic livestock use shall comply with all applicable Commonwealth, federal and local regulations, including, but not limited to, nutrient management, building codes, erosion and sedimentation control and storm water management, as well as standards for signs, lighting, parking and access.
- (J) A domestic livestock use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration or other nuisance effects beyond the property lines of the lot upon which the use is located. All domestic livestock uses shall comply with the performance standards of this Zoning Ordinance.

Section 822: Exotic Animals

- (A) No person shall keep a wild or exotic animal in any place other than a zoological park, veterinary hospital or clinic, humane society, circus sideshow, amusement show or facility used for educational or scientific purposes, which provide proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public.
- (B) No person shall sell, offer for sale or adoption, exchange or transfer, with or without charge, any wild or exotic animal.

Section 823: Prohibited Uses

- (A) No building or structure may be erected, altered or used, and no lot or premises may be used, for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination or similar substances or conditions.
- (B) No building, structure, land, watercourses, or parts thereof within West Nantmeal Township shall be used or occupied, erected, constructed, assembled, moved, enlarged, reconstructed or structurally altered unless in conformity with the provisions of this Zoning Ordinance.