ARTICLE I

GENERAL PROVISIONS

1.00 SHORT TITLE

This Ordinance shall be known and may be cited as the "Cherrytree Township Zoning Ordinance". The accompanying map is hereby declared to be part of this Ordinance and shall be known and may be cited as the "Cherrytree Township Zoning Map" hereinafter referred to as the "Zoning Map".

1.01 ORDAINING CLAUSE

This Ordinance shall become effective on May 1, 2006 and as amended on December 3, 2012 and August 2, 2021. Enactment by the Supervisors of the Township of Cherrytree, County of Venango, is by the authority of and pursuant to the provisions of Articles VI through X-A of Act No. 247 of 1968, P.L. 805, as reenacted and amended by the Pennsylvania General Assembly, know and cited as the *Pennsylvania Municipalities Planning Code.*

1.02 PURPOSE

This Ordinance is designed, adopted and enacted:

(1) To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

(2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

(3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

(4) To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and

two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

(5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

1.03 INTERPRETATION

For the purpose of the interpretation and application of this Ordinance, the provisions contained herein shall be held to be the requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

(1) Whenever any regulations made under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Ordinance shall govern.

(2) Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this Ordinance, the provisions of such statute shall govern.

(3) Whenever any regulations pertaining to a specific use or activity under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this Ordinance, the greater or higher standards shall govern.

(4) In interpreting the language of this zoning ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

1.04 SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of these provisions shall be held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the validity of the remaining provision of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provisions not been included herein.

1.05 REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action occurred or existing under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

2.00 COMMUNITY DEVELOPMENT OBJECTIVES

The Cherrytree Township Supervisors state the following legislative finding with respect to land use, density of population, location and function of roads, and other community facilities and utilities, and other factors that the Supervisors believe relevant in establishing community development objectives for the future development of the Township. It is the purpose of the Ordinance to reflect the objectives of the Township, to establish such other objectives as may be deemed necessary, and to provide the means and regulations whereby these objectives may be attained.

(1) Encourage balanced growth and clustered development that provides for planned economic and residential development in appropriate areas while maintaining the rural character of the remainder of the Township;

(2) Preserve the agricultural productivity of existing farms and other agricultural businesses, minimize conflicts between these and other land uses, and assure the continuance of farming as an important commercial operation and life style;

(3) Encourage more flexible and creative land development that will preserve, protect, manage and enhance environmental and natural resources such as streams and rivers, floodplains, ground water, State Gamelands and Parks, wooded areas and steeply-sloping areas in the natural environment;

(4) Provide wide variety and choice of housing opportunities in various price ranges for existing and future Township residents in the form of low-density scattered residential units in most sections of the Township, homes in planned developments in areas having or expected to have the appropriate infrastructure;

(5) Provide for well-planned commercial, service and light industrial business development along the Route 8 Corridor, maximizing the use of the existing and planned infrastructure and highway access in this area;

(6) Encourage the enjoyment and proper use of outdoor recreational, natural and cultural resources in the Township and larger region;

(7) Encourage development supportive of and complementary to the Oil Heritage theme, as a means of encouraging heritage tourism and retention of significant historic resources;

(8) Encourage appropriate development in the vicinity of the Titusville Airport that is compatible with the Airport and builds on the developmental opportunities offered by the Airport, but creates no obstructions or hazards to air navigation;

(9) Promote the extension of community facilities, infrastructure and services whenever practicable to existing population centers and developments to meet community needs, and to areas where development is both anticipated and recommended based on the most appropriate land use;

(10) Encourage the planning, design, and development of building sites in such a fashion as to provide for compatible land uses, balanced and appropriate growth and development where the infrastructure exists, and maximum safety and human enjoyment while adapting development to, and taking advantage of, the best use of the natural terrain;

(11) Maintain and promote the adequate active and passive recreational and open space amenities for existing and future Township residents;

(12) Maintain the rural quality of Cherrytree Township;

(13) Encourage appropriate and complimentary development in and around the Titusville Airport assuring localized aviation safety and development and positive impacts on regional economic development as well.

ARTICLE III

DEFINITIONS

3.00 Application and Interpretation

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to aid in the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning indicated as follows:

(1) Words used in the present tense include the future tense.
(2) The word "person" includes a profit or non-profit corporation, company, partnership or individual.
(3) The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
(4) The word "building" includes structure.
(5) The word "lot" includes plot or parcel.
(6) The word "shall" is always mandatory.

3.01 Definition of Terms

Abandonment: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any evidence of transferring the rights to the property to another owner or of resuming the use of the property.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accessory Building: A subordinate building or portion of the main building on the same lot, the use of which is customarily incidental to that of the main or principal building, including but not limited to, private garages, storage sheds, children's playhouses, fences and private animal pens and dog houses.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use of building gardening as an avocation on a residential lot, keeping of domestic pets, off-street parking or loading, storage of merchandise normally carried in stock on the same lot with a commercial use unless such storage is excluded in the district regulations.

Adult Entertainment: A store or shop with more than fifteen (15) square feet of floor area devoted to the display and selling of materials depicting, describing, or relating to

"Specified Sexual Activities" or "Specified Anatomical Areas", in the form of books, magazines, films, videos, DVD's, live entertainment, or similar trade.

Agriculture: The cultivation of soil and other uses of land including but not by way of limitation; horticulture, mushroom growing, and the breeding and raising of customary domestic animals, dairying, pasturing, floriculture, viticulture, apiculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce provided however that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alterations: As applied to building or structure, means a change or rearrangement in structural parts or in the existing facilities or an enlargement, whether by extending on side, front or back or by increasing height or the moving from one location or position to another.

Amendment: Revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Township Supervisors and is pursuant to the Pennsylvania Municipalities Planning Code.

Animal or Veterinary Hospital: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Applicant: The individual/individuals or entity/entities that apply for any federal, state, or local government permit or permission for installation of an ASES or a PSES.

Application: An application, required to be filed and approved by the Township of Cherrytree prior to start of construction or development.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory building.

Automotive Repair: A building used primarily for making major repairs to motor vehicles, including overhauling, body work, refinishing, and upholstering and incidental servicing.

Battery Energy Storage System (BESS): A facility or system whose principal use is the storage of electrical energy in batteries or other electrochemical storage devices for subsequent discharge, distribution, or transmission of electrical energy. A BESS includes battery units or enclosures and associated equipment necessary for its operation, including inverters, transformers, controls, switchgear, electrical interconnections, cooling systems, and related accessory structures.

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in abutting premises.

Billboard: A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises wherein it is displayed or posted.

Board of Supervisors: The Board of Supervisors of the Township of Cherrytree, Venango County, Pennsylvania.

Broadcast Transmission Facility: Any structure designed or intended for use to transmit or relay any digital, electronic, radio, television or microwave signal via the atmosphere, excluding satellite receivers less than eighteen (18) inches in diameter and transmission facilities required for public safety.

Building-Integrated Solar Energy System: A combination of Solar Panels and Solar Energy Equipment integrated into any building structural system such as vertical facades, semi-transparent skylight systems, roofing materials, or shading over windows, which produce electricity for on-site consumption.

Cartway: That portion of the street right-of-way surface for vehicular use. Width is determined from face of curb to face of curb or from on edge of driving surface to the other edge of driving surface.

Certification of Compliance: A statement, based on an inspection, signed by the Zoning Officer, setting forth either that a building, structure or use of a parcel of land complies with this Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified use or both.

Church or House of Worship: An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Club: Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Commercial Solar Zone (CSZ): This is a district within the Township that will be specifically labeled as a "Commercial Solar Zone" and is strictly for commercial production of solar generated and battery storage of electricity that will be sold to utilities and tied into the national electrical grid. This zone will only be permitted in the current C/I and R/A zones (per soil analysis determination and land availability) as a potential "temporary" (term of land lease agreement or decommissioning) limit, with the benefit that at the end of the term of the lease or decommissioning, the property will return to its original designation (C/I or R/A). All equipment related to the production, conversion, inverting, storage, and transmission of electrical power must be contained within the boundaries of the approved site. The total size of this district is limited to the available land per the Cherrytree Township Comprehensive Plan, specifically Sections A.5, defining soils, and Section J, defining Future Land Use; Cherrytree Township Resolution

#21-41, enacting the recommendations included in the Venango County Natural Heritage Inventory, and as defined by the 2018 Federal National Heritage Area for Venango County, PA (Appendix A and Appendix B); and the Pa MPC. Cherrytree Township will supply an overlay map showing the available land for lease and use based on the setbacks, soil sample analysis, and riparian boundaries contained on those designated maps. The Cherrytree Township Comprehensive Plan, Map Exhibit 10, page 1-61B, shows areas available for development in the C/I and R/A districts. However, the shaded areas of Public-Semi-Public, Residential, Recreational/Resort and Agricultural/Conservation zones, even though some may overlay in C/I and R/A districts, are not available for Solar Farm Development or conditional use permits. A minimum of twenty (20) acres will be required to qualify for a permit in the "CSZ" with a maximum of one thousand (1000) acres total land usage within Cherrytree Township in aggregate so as to preserve the value of the natural landscape, preserve the current farmland listed as "Statewide Importance" and "Prime Farmland", and health of the community.

Commercial Use: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee, involving a sale of goods or services.

Composting, Principal Use: The collection, storage, transportation and disposal of agricultural wastes, food processing wastes, screenings, sludges, manure, and biological decomposable materials from mainly, but not necessarily entirely off-site sources for the purpose of resale after the composting processes have been completed as long as the waste is not considered to be residual or hazardous wastes according to the standards set by DEP. This use is clearly the principal purpose for which a building, other structure and/or land is used, occupied or maintained under the Zoning Ordinance.

Convenience Store: A commercial establishment offering gasoline, prepared food primarily for off-premises consumption, packaged food and dairy products, beverages and related items, typically over extended hours or open for 24 hours.

Conditional Use: A specific use identified as allowable in a particular zoning district pending review and approval by the Board of Supervisors. Refer to District Summary.

Coverage, Building: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

Data Center: A data center is a physical facility and all required supporting facilities that house information technology (IT) infrastructure for building, running, and delivering applications and services. It also stores and manages the data associated with those applications and services.

Day Care Facilities: A facility in which part-time care is provided for children or adults, having the necessary licenses and permits required by the Commonwealth of Pennsylvania.

Density: A ratio of the number of dwelling units per acre that occupy or may occupy an area of land.

Development Plan: The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan", when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

District or Zoning District: An area constituted by or pursuant to this Ordinance and delineated by text and map as to location, extent, nature and contents.

Drinking Establishment: Any premises licensed by the Pennsylvania Liquor Control Board wherein alcoholic beverages are sold at retail for consumption on the premises.

Dwelling: A building or portion thereof that provides living facilities for one or two families.

Dwelling, Multi-Family: A building or portion thereof for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, Seasonal: A dwelling intended for seasonal or leisure activity which is not intended now or in the future for year-round dwelling purposes. It includes cottages and cabins built on a permanent foundation. Such uses shall be limited to hunting and fishing seasons, vacation time, weekends, retreats and other periodic visits for a period not to exceed one hundred eighty (180) days per year.

Dwelling, Single-Family, Attached (Group, Row, and Townhouses): One of two or more residential buildings having a common or party wall separating dwelling units.

Dwelling, Single-Family, Detached: A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

Dwelling, Two Family: A building arranged, designed, or intended for occupancy by two (2) families living independent of each other and doing their own cooking therein, on a single lot.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Eating Establishment: A commercial establishment that serves food and beverages for on-premises or off-premises consumption. This includes cafes, fast-food restaurants, sit-down restaurants, drive-in restaurants and outdoor cafes.

Eating Establishment, Drive-In: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Essential Service: The erection, construction, alteration or maintenance by locally publicly accessible utilities or publicly accessible service establishment or municipal or other governmental agencies of: underground gas, electrical, telephone, radio, television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith; including buildings necessary for the furnishing of adequate services for the public health, safety and general welfare; excluding sanitary landfills. The essential service must be available to be consumed by a local resident or establishment to be deemed essential.

Extractive Industries: This includes all activity which removes from the surface, or beneath the surface of the land, some material mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. This includes but is not limited to the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore, but excludes the drilling and recovery of oil and natural gas.

Facility Area: The physical area, measured in both square feet and acres, used for any Solar Energy System (SES) project site, including any setbacks, buffers, fencing, roads and access roadways, screening, support facilities, Solar Energy Equipment, and all other components of a Solar Energy System (SES). The facility area shall include, and not be limited to, the surface area of any Solar Panel and Solar Energy Equipment.

Family: One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Farmland of Statewide Importance: This is land designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, the National Heritage Area Management Plan (Oil Heritage.org) and listed and mapped in the Cherrytree Township Comprehensive Plan. The definition for "Farmland of Statewide Importance" is, in part, "for the production of food, feed, fiber, forage, and oilseed crops

as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law." Soils listed in the Comprehensive Plan "List of Tables", Tables number 3 and 4 in Section A.5 and on pages I-9 and I-10 and corresponding maps, will be determining factors as to whether a permit will be approved within Cherrytree Township. Property with soil types listed and confirmed as "Prime Farmland" will not be allowed to have a permit issued. Property with soil types listed and confirmed as "Soils of Statewide Importance" or "Farmland of Statewide Importance" will not be allowed to have a permit issued until reviewed by the Zoning Hearing Board. Soil sampling will be undertaken by Solar Company PRIOR to permitting and during the Application phase to establish eligibility and a baseline for future remediation. Note that Local, Statewide, and National Emergencies supersede this.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, separate or screen areas of land. Fences erected within the R/A and R/R districts require no approval to be built, as long as they follow all setback requirements as outlined in Article IV-Zoning Districts and fall within property lines. Fences are required in the Commercial District as needed under screening requirements.

(1) Fence, Closed: A fence with 25% or less open area, including gates, effectively screening the activities conducted on a property from adjacent properties and rights-of-way.

(2) Fence, Open: A fence with greater than 25% open area, including gates, including but not limited to split rail fence.

Flea Market: An occasional or periodic market held in and open area or structure where groups of individual sellers or dealers offer goods for sale to the public.

Flood Elevation: A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Hazard Boundary Map: An official map of the Township, issued by the Federal Insurance Administrator, where the boundaries of the flood plain areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): An official map of the Township, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones.

Flood Plain: This is any land area susceptible to being inundated by water from any source.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting,

transporting and selling trees for commercial purposes, which does not involve any land development.

Fraternal Organization: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Garage: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

Glare: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Ground-Mounted Solar Energy System: A Solar Energy System (SES) where a cell, module or an array is anchored to the ground via a pole or other mounting system, detached from any other structure that generates electricity for on-site or off-site consumption.

Group Home: A facility or dwelling unit providing food, shelter and personal guidance with supervision to four or more persons who are not within the second degree of kinship and are operating as a group family household, including but not limited to handicapped persons, foster children, elderly, battered children and women, and operates as a special treatment facility providing less than primary health care.

Guest Home: A house, or portion thereof, where short-term lodging rooms are provided, such as an Airbnb or VRBO. The operator of the inn shall live on the premises or in abutting premises.

Hazardous Waste: A substance that because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

Highway, Arterial: Roadways classified as Interstate, Freeways/Expressways, Principal Arterials and Minor Arterials as per the Federal Aid System Federal Functional Classification. Presently PA Route 8 is classified as a Minor Arterial and the only arterial highway in the Township.

Historic Zone: Cherrytree Township contains within its boundaries, six (6) sites of Historical significance. All six of these historical sites are contained within the eastern edge of the Township, along the Oil Creek State Park's environment, including the Drake Well complex, located in the Northeast sector and the Oil Creek watershed that

encompasses the entire eastern border of the Township. No Principal Solar Energy Systems (PSES) will be allowed to be constructed within these protected areas.

Horticulture: The science or art of cultivating fruits, vegetables, flowers, or ornamental plant.

Hotel (See also motel): A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

Incinerator: An engineered apparatus used to burn waste substances and in which all the combustion factors are burned and changed into gases and residue containing little or no combustible material.

Industrial, Heavy: Manufacturing including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products which due to the nature of the materials, equipment or process utilized, the manufacturing operation is considered to be unclean, noisy, hazardous, or is associated with other objectionable elements.

Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. By the nature of the materials, equipment and process utilized is to a considerable measure, clean, quiet, and free of any objectionable or hazardous elements.

Industrial Park: A tract of land that has been planned, developed and operated as an integrated facility for a number of individual light industrial users, with special attention to circulation, parking, utilities, aesthetics and compatibility.

Junk: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof.

Junkyard: A lot or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Kennel(s): A commercial facility for the boarding of animals, the breeding of dogs and/or cats, or the boarding, grooming, sale or training of dogs and/or cats for which a fee is charged.

Land Development: Any of the following activities are included as land developments:

(1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

a. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

b. The division or allocation of land or space, whether initially of cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development in accordance with Section 503 (1.1), Article V of the Pennsylvania Municipalities Planning Code.

Land Owner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Logging: The act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than one (1) acre for development of building sites, or the clearing for farm operations, if there is no altering of natural drainage courses.

Lot (See also lot of record): A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot Area: The area of horizontal plan bounded by the vertical planes through front, side, and rear lot lines.

Lot Coverage: Determined by dividing that area of lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot Line, Front (See also yard front): On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot Line, Rear: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot of Record: A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

Lot Width: The horizontal distance between side lot lines, measured at the required front setback line.

Maintenance Plan: This will be an all-encompassing plan that details how a Solar Energy System (SES) site will be maintained post construction. Included, but not limited to, will be details concerning cleaning of the arrays, how often, what methods and disposal practices, native vegetative care including mowing or control methods, inspection frequencies, and contact information.

Mall: A shopping center where tenants are located on one or both sides of a covered walkway with direct pedestrian access to all establishments from the walkway.

Manufacturing: The act of producing, processing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

Methadone Treatment Facilities: Drug treatment facilities employing the use of methadone and subject to locational regulations as outlined in Section 621 of the Pennsylvania Municipalities Planning Code.

Mini-Storage Units:. A warehouse structure containing separate storage spaces of varying sizes leased or rented on an individual basis for the storage, holding or safekeeping of goods, chattels, or movable property of any kind, whether used in a business or for personal use, to await the happening of some future event or contingency which will call for the removal of the goods, chattels, or movable property of any kind.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, 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 without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Motel (See also hotel): A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Municipality: The Township of Cherrytree, Venango County Pennsylvania.

Native Perennial Vegetation: Native wildflowers, trees, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the DCNR, DEP, PA Game Commission or any other regulatory agency.

No-Impact Home-Based Businesses: This includes business or commercial activity administered and conducted as an accessory use clearly secondary to the residential use of the dwelling, and which involves no vehicular or pedestrian customer, client or patient traffic, and the business use requires no pickup, delivery or removal functions to or from the premises in excess of those normally associated with the residential use. The business or commercial activity must satisfy the following:

(1) The business activity shall be compatible with the residential use of the property and surrounding residential uses;

(2) The business shall employ no employees other than family members residing in the dwelling;

(3) The business shall not involve the display or sale of retail goods and no stockpiling or inventory of a substantial nature;

(4) There shall be no outside appearance of a business use, including but not limited to parking, signs or lights;

(5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, electronic or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood;

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential uses in the neighborhood;

(7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor space; and

(8) The business may not involve any illegal activity.

Non-Conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursing Home: An institution for the care of the aged or the infirm, who are residents by virtue of requiring specialized care and supervision relating to health, social and/or rehabilitative services 24 hours per day, but not for the care and treatment of alcoholism or narcotics addiction. The facility shall be licensed in accordance with appropriate State and/or County laws and regulations.

On-Site Sewer Service: A single system of piping tanks or other facilities approved by the Pennsylvania Department of Environmental Protection and/or other permitting agencies serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Site Water Service: A single water system, well or spring, approved by the Pennsylvania Department of Environmental Protection and/or other permitting agencies where applicable, serving only a single lot.

Open Space: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces.

Outdoor Furnace: A solid fuel-burning appliance located to the exterior of the building it serves, used for space heating and/or domestic water heating.

Overlay Map: Cherrytree Township will supply to prospective Solar Company a set of maps that contain an overlay of the affected waterways, Bio-Diversity-Areas, and prominent features of the Township that lends perspective to the availability of land for use within the Township borders. Included, but not limited to these reference maps, are the significant streams, tributaries, State Park boundaries and riparian zone setbacks that will be referenced throughout this Ordinance. (Appendix I)

Overspeed Control: A mechanism used to limit the speed of blade rotation to below the design limits of the Wind Energy Conversion System.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Parking Space: An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with parking stall. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.

Pennsylvania Municipalities Planning Code: Act of 1968, P.L. 805, No. 247 as reenacted and amended, the enabling legislation that permits municipalities in Pennsylvania to prepare and enact comprehensive development plans, zoning ordinances and other land use controls.

Personal Care Home: Facilities that provide lodging, food and some support services for people who are elderly or who have mental or physical disabilities; who are unable to care for themselves but who do not require 24 hour nursing services in a licensed nursing care facility. Typically, residents of these facilities need help with dressing, feeding, taking medications, mobility issues and finances.

Philanthropic Facilities: Offices of organizations primarily involved in dispensing or receiving aid from funds set aside for humanitarian purposes.

Photovoltaic Panel: (PV) A PV panel is a system that uses semi-conductor material to convert sunlight into electricity. PV panels can either be an individual cell, a module or a series of modules forming an array. PV panels shall NOT contain any exterior surface lubricant, silicone, or other lubricity coating. All exterior glass surfaces that shed precipitation must have the lubricity impregnated or embedded and manufactured within the surface of the glass in such a way as to prevent the washing of such lubricants from the exterior surface and leeching into groundwater supplies.

Planned Residential Developments: 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 non-residential 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 the municipal zoning ordinance.

Planning Commission, County: The Planning Commission of the County of Venango.

Planning Commission, Township: The Planning Commission of the Township of Cherrytree.

Plat: A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

Pollinator: Birds, bees, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed species.

Principal Building: A structure in which the principal use of the site is conducted.

Principal Use: The main use of land or structures, as distinguished from a secondary or accessory use.

Private Club: An organization catering exclusively to members and their guest; or premises and building for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandise or commercial activities are conducted only as required generally for the membership of each club.

Professional Office: The office of a member of a recognized profession practitioner of a calling or occupation that the commonly identified to be professional in character by virtue of specialized knowledge, training, education and/or experience required for the practice of said calling or occupation. Said professions shall include, but not be limited to, law, medicine, chemistry, ministry, architecture, accounting, engineering, writing and education.

Project Site: The physical area needed for a ground-mounted Accessory Solar Energy System (ASES) or a Principal Solar Energy System (PSES) including any setbacks, buffers, fencing, roads, screening, support facilities, and Solar Energy Equipment.

Public Hearing: A formal meeting held pursuant to public notice by the governing body, the Commission or the Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the Cherrytree Township area. Such notice shall state

time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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.

Recreation, Active: Leisure time activities requiring specialized equipment, sites and fields, carried out in an organized fashion and usually performed by teams or other individuals.

Recreation, Passive: A leisure time activity not considered active, occurring in a non-structured manner and requiring little if any community infrastructure or equipment, including but not limited to hiking, bicycling, nature walks and rustic camping.

Recreational Vehicle: A vehicle less than thirty-eight (38) feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes, and forms of camping accommodation. Such vehicles are permitted only in campgrounds or on private individual parcels.

Recreational Vehicle (RV) Park: Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center: A facility that is not a junk yard and in which recoverable resources, such as newspapers, glassware, plastic containers, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Collection Point: A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

Retirement Community: Planned developments designed to meet the needs of and exclusively for residences of retired persons, or persons over the age of 55 years.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Riparian Zones: Riparian Zones are the areas immediately surrounding and protecting the waterways and tributaries within Cherrytree Township. These areas include all major waterways, all mapped and listed streams and their supplying tributaries. Setbacks

recommended and accepted by this Ordinance will be three hundred thirty (330) feet per side, measured from the center line on all sides of an affected waterway, stream, creek, tributary or other supply source to the waterway. (Appendix I)

Road: A public or private way that affords principal means of access to abutting properties. The word "road" shall include, but not be limited to, the words "street", "highway", "alley", and "thoroughfare".

Road Center Line: The center of the surveyed road right-of-way, or where not surveyed, the center of the traveled cartway.

Road Classification: For the purpose of this Ordinance, the following definitions are employed:

(1) Major Arterial: A road whose function is to provide for the movement of high volumes of through traffic subject to necessary control of entrances, exits and curb use.

(2) Collector: A road or street that provides for the movement of large volumes of traffic between arterials and local roads and direct access to abutting properties.

(3) Local: A road whose function is to provide for local traffic movement and direct access to abutting properties.

(4) Private or Non-Public: All streets which are not public including, but not limited to, streets maintained by private agreements, by private owners or for which no maintenance responsibility has been established; and including all private driveway easements or right-of-ways for access.

Roof-Mounted Solar Energy System: A Solar Energy System (SES) located on the roof of any legally permitted building or structure that produces electricity for on-site consumption.

Sanitary Landfill: A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities and approved by the Pennsylvania Department of Environmental Protection.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

Self-Service Storage: A warehousing facility where separate storage spaces of varying size are available for lease or rental, usually on a self-service basis. For the purposes of

this Ordinance, there shall be no residential occupancy or nor commercial sales conducted from such storage areas.

Service/Gasoline Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access.

Sign: A structure that consists of any device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, balloons or representation that advertises, directs, or announces the use conducted; goods, products, services or facilities available; or that influences persons or conveys information, or that calls attention to the building or the use located on the lot. The term "sign" does not include the Flag of the United States of America or the Commonwealth of Pennsylvania, or any Federal, State or Municipal traffic or directional sign or other official Federal, State, County or Municipal Government Signs.

(1) Signs, Free-standing: Any non-movable sign not affixed to a building.

(2) Signs, Business: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured or to an entertainment event offered on the premises where the sign is located.

(3) Signs, Billboard: A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises or land on which the sign is located.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun at wavelengths suitable for conversion into thermal, mechanical, chemical, or electrical energy.

Solar Energy Equipment: Electrical material, hardware, inverters, conduit, storage devices or other electrical or photovoltaic equipment associated with the production of electricity.

Solar Energy System: (SES): A system comprised of Solar Panels and other Solar Related Equipment and components intended for the collection, inversion, storage and/or distribution of solar energy that directly or indirectly generates thermal, chemical, electrical, or other usable energy for use on the property where the system is located or for use off the site where the system is located or both. A Solar Energy System (SES)

consists of, but is not limited to, solar collectors, mounting devices or structures, generators/turbines, water and energy storage and distribution systems, battery energy storage systems, maintenance, storage and or other accessory buildings, inverters, fans, combiner boxes, meters, transformers, and all other mechanical structures. The area for the Solar Energy System (SES) is all the area within the project fence line, as well as, the area covered by all facility components, including but not limited to, access and emergency roads, transmission lines, support buildings and stormwater ponds or containment areas. This term includes, but is not limited to, Solar Panels and Solar Energy Equipment. A Solar Energy System (SES) is classified as either an Accessory Solar Energy System (ASES) or a Principal Solar Energy System (PSES) within this Ordinance.

1) Accessory Solar Energy System: (ASES): A small scale Solar Energy System (SES) (under 15kw) comprised of Solar Panels and other Solar related equipment, to operate either a roof-mounted or ground-mounted system and used to capture solar energy and convert it into electrical energy or thermal power for use on private property where the system is located. This Accessory Solar Energy System (ASES) may include incidental sale of excess energy to an electrical utility, but not to exceed 10% (ten percent) of the Solar Energy captured. At least 90% (ninety percent) of the Solar Energy must be consumed on the property where captured. This 90% (ninety percent) value will be determined according to the energy usage requirements of a particular structure based upon the average electrical usage from the previous three (3) years. If new construction, then the Accessory Solar Energy System (ASES) will be sized according to the size of the structure and the National Electrical Table for standardized usage. An Accessory Solar Energy System (ASES) that will be for private usage and will generate electricity for an industrial facility or large farm operation that might need over 15kw of energy, will have to undergo a plan review to determine what additional requirements will need to be met. The minor restrictions for a personal, individualized Accessory Solar Energy System (ASES), with limited infrastructure and natural landscape disruptions, are meant to facilitate the individual's freedom to reduce their reliance on utility companies, while still providing for the security and safety of the applicant and surrounding neighbors. An Accessory Solar Energy System (ASES) for industrial or large farm operations, allowing the freedom to supplement their energy needs, might create an enlarged footprint of solar arrays that would need to be regulated similar to a Principal Solar Energy System (PSES) to ensure the same safety requirements associated with a Principal Solar Energy System (PSES).

2) Principal Solar Energy System: (PSES): A large scale Solar Energy System (SES) used to capture solar energy solely and principally on the property where the Principal Solar Energy System (PSES) is located and generated, specifically for the sale of commercial energy to electrical utilities. A Principal Solar Energy System (PSES) may consist of one or more free standing ground-mounted solar collection devices, solar energy related "balance of system" equipment, and other Solar Related Equipment, together with accessory structures and buildings

including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines and other structures with the primary intention of converting solar energy to a different form of energy. All Principal Solar Energy Systems (PSES) are required to be in a district zoned as "Commercial Solar Zone" (CSZ). Commercial/Light Industrial (C/I) and Rural Agricultural (R/A) zones will be the only zones available to be reclassified as a CSZ. Principal Solar Energy Systems (PSES) will not be permitted in Rural Residential (R/R) or the Airport (AP) zones nor in areas where the soil types are determined to be of "Prime Farmland" or zones of Historical significance. A request to change a C/I or R/A zone to CSZ will be required during the Application phase.

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 (SES). Owners of Solar Energy Systems (SES) are encouraged but not required to obtain Solar Easements from neighboring landowners to ensure solar access. Cherrytree Township does not guarantee and will not, and by law, cannot, protect any individual property rights with respect to Solar Easement access.

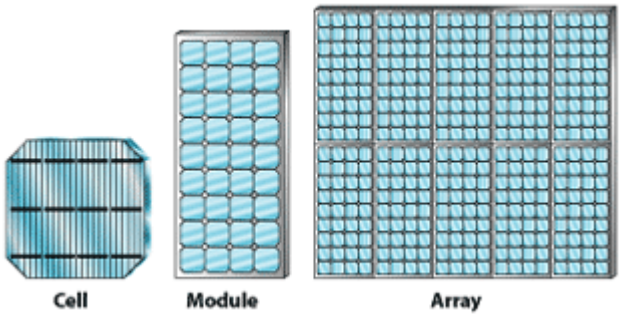
Solar Panel: The part or portion of a Solar Energy System (SES) containing one or more photovoltaic receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for the direct generation of electricity.

Solar Related Equipment: Items including, but not limited to, a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1) Solar Array: A grouping of multiple solar modules with purpose of harvesting solar energy.

2) Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.

3) Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.



Specified Anatomical Areas: These include less than completely and opaquely covered human genitals or pubic region; human female breast below the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: These activities include human genitals in a state of sexual stimulation or arousal; acts of human masturbation; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, or female breast.

Special Exception: A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of Act 247, the Pennsylvania Municipalities Code, as amended.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

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, partition by the court for distribution to heirs or devisees, transfer or ownership of building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Swimming Pool: Any reasonably permanent pool or open tank, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth any point greater than two feet. Farm ponds and/or lakes are not included, provided that swimming is not the primary purpose for their construction. Barrier requirements for above ground pools shall be measured from the ground.

Tiny Home: A detached single-family dwelling under 900 square feet designed for permanent, year-round occupancy, used as a primary residence or guest home, and constructed on a permanent foundation.

Township: The Township of Cherrytree, Venango County Pennsylvania.

Transfer Stations: A lot or structure, or part thereof, used primarily for the collection and/or storage of garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agriculture and residential activities.

Travel Trailer: A vehicle that is a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "Travel Trailer" by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Ordinance. All travel trailers shall display a current vehicle inspection sticker and vehicle registration plate.

Travel Trailer Park: Any lot of land upon which two or more travel trailers for rent and occupancy are located for the public on a short term or seasonal basis.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Variance: A modification of the literal provisions of this Ordinance pursuant to the provisions of Articles VI and IX of Act 247, the Pennsylvania Municipalities Code, as amended, which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. Refer to District Summary

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Warehousing: Terminal facilities and buildings used for the storage of goods and materials and/or handling of freight with or without maintenance facilities.

Watercourse: A channel or conveyance of surface water having a defined bed and banks, whether artificial or natural, with intermittent or perennial flow.

Wholesaling: The business of selling merchandise to retailer, industrial, commercial, institutional, professional or other business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy Conversion Systems (WECS): Mechanisms, including windmills, turbines and all appurtenances thereto, designed or operated for the purpose of converting kinetic wind energy into electrical power and excluding non-electrical windmills used for pumping water.

(1) Residential WECS: A WECS designed or operated to provide energy principally to the residence and accessory structures located on the lot, or on contiguous lots held in common ownership which must be combined by a subdivision plan approved by the Township. A WECS designed or operated to provide more than 50% of its rated energy production for off-site consumption shall not be considered residential.

(2) Commercial WECS: A WECS designed or operated to provide energy principally to consumers located off the premises and does not meet the requirements established for a residential WECS.

Windmill: A mill operated by the wind's rotation of large, oblique sails or vanes radiating from a shaft, used as a source of power.

Yard: An open space that is between the principal building or group of buildings and the nearest lot line. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

(1) Yard, Front. An open space between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward, extending the full width of the lot.

(2) Yard, Rear. An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.

(3) Yard, Side. An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

Zoning Hearing Board: The Zoning Hearing Board of the Cherrytree Township

Zoning Map: The official zoning map of Cherrytree Township, together with all notations, references and amendments that may subsequently be adopted. The zoning map shall be considered a part of this Ordinance.

Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

Zoning Ordinance: The ordinance in effect as adopted or amended that controls or regulates land use in the Township.

Zoning Permit: A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the District in which it is located.

ARTICLE IV

ZONING DISTRICTS

4.00 ESTABLISHMENT AND DESCRIPTION OF DISTRICTS

For the purpose of implementing the community development objectives of this Ordinance, the following zoning districts are hereby established:

R/A	-	Residential/Agricultural District
RR	-	Rural Residential Overlay District
C/L	-	Commercial/Light Industrial Overlay District
AP	-	Airport Overlay District
S	-	Conservation Overlay District

The respective Overlay Districts have specified uses and dimensional requirements that supercede those for the underlying R/A District for the areas subject to the overlays. The Districts and district requirements are delineated in this Article.

4.01 Residential/Agricultural District – R/A District

The purpose of this District is to preserve and protect the rural nature of a significant portion of the Township, including the provision of low-density residential units on large lots, farmettes, the practice of farming, and to ensure the preservation of prime soils for future generations to farm. Uses that would substantially interfere with the principle uses are discouraged.

A. Permitted Uses – The following are permitted uses in the R/A District:

1. Agricultural Uses
2. Single-family detached dwellings including mobile homes, provided that the mobile home is placed on a permanent foundation that shall be of poured concrete or cement block and properly anchored
3. Seasonal dwellings
4. Kennels, veterinary facilities, and animal hospital
5. Houses of Worship, convent, rectory, parsonage or other incidental structures
6. Bed and Breakfast/Guest Home
7. Cemeteries and necessary incidental structures
8. Essential Services
9. Accessory Buildings and Uses
10. Special Accessory Use – Outdoor Furnace (See Section 5.30)
11. Residential WECS (See Section 5.31)
12. Forestry
13. No Impact Home-Based Businesses
14. Parks and Playgrounds

B. **Special Exception Uses** – The following require Special Exceptions in accordance with Article VI of this Ordinance, and are subject to review and action by the Zoning Hearing Board:

1. Educational facilities (public and private)
2. Philanthropic facilities
3. Clubs, Lodges and Fraternal Organizations
4. Day care facilities (child and adult) subject to appropriate State regulations.
5. Mobile home parks.
6. Nursing Homes
7. Trailer/Recreational Vehicle ParksRecreational facilities
8. Commercial WECS (See Section 5.31)
9. Automotive Repair and Body Work (See Section 5.12)
10. Retirement Community
11. Personal Care Homes

C. **Conditional Uses -** The following require Conditional Uses in accordance with Article VI of this Ordinance, and are subject to review and action by the Board of Supervisors:

1. Planing Mill and/or Sawmill
2. Light Industrial Uses
3. Junkyards
4. Solid Waste Disposal/Transfer Facilities
5. Extractive Industries.
6. Group Homes

D. **Area** – The minimum lot area for uses within the R/A District is three (3) acres or the minimum size over three (3) acres required to meet applicable DEP on-lot sewage disposal requirements, whichever is greater. Venango County requirements for mobile home parks shall apply.

Lots lawfully existing at less than three (3) acres as of the effective date of this Ordinance shall be considered conforming for purposes of area, provided they can meet all applicable DEP standards for on-lot septic systems at the time of permit application. No subdivision shall create any lot smaller than three (3) acres within the R/A District after the effective date of this Ordinance.

E. **Minimum lot width** – The minimum lot width within the R/A District at setback is as follows:

1. Single Family detached dwellings, day care facilities, group homes and seasonal dwellings - 150 feet
2. Bed and Breakfast/Guest Home – 150 feet
3. Agricultural uses – No minimum for farms; 500 feet for packing, treating or storing agricultural uses
4. All other uses – 500 feet

F. **Coverage -** All buildings, including accessory buildings, shall not cover twenty percent (20%) of the lot.

G. **Setback –** The minimum distance from the right-of-way line is as follows:

1. Front Yard - Principal Building:
   a. Single Family detached dwellings, day care facilities, group homes and seasonal dwellings – Thirty-five (35) feet
   b. Bed and Breakfast/Guest Home – Thirty-five (35) feet
   c. All other uses – Fifty (50) feet (except as noted in G-4 below)
   d. Corner lots shall be construed to have two front yards.

2. Side Yard - Principal Building: Each lot shall have two (2) side yards neither of which shall be less than as follows:
   a. Single Family detached dwellings, day care facilities, group homes and seasonal dwellings – Fifteen (15) feet
   b. Bed and Breakfast/Guest Home – Fifteen (15) feet
   c. All other uses – Twenty-five (25) feet (except as noted in G-4 below)

   All accessory buildings shall be a minimum of ten (10) feet from any side lot line.

3. Rear Yard - Principal Building: Each lot shall have a rear lot of a minimum of thirty-five (35) feet. All accessory buildings shall be a minimum of ten (10) feet from any rear lot line. (except as noted in G-4 below)

4. Buildings housing livestock (including dog kennels) or poultry shall not be closer than fifty (50) feet to any public right-of-way nor one hundred (100) feet to a residential district or residential structure other than the owner's. Additionally, buildings housing livestock must be located at least (50) feet from any lot line.

H. **Height –** The maximum height of buildings within the R/A District is as follows:

1. Single Family detached dwellings, group homes and seasonal dwellings - three (3) stories or thirty-five (35) feet, whichever is less
2. Bed and Breakfast/Guest Home – three (3) stories or thirty-five (35) feet, whichever is less
3. Agricultural uses: Farm buildings – no maximum; packing, treating and storing agricultural uses – Fifty (50) feet.
4. Accessory buildings – twenty (20) feet)
5. All other uses – Fifty (50) feet for principal building, except for seventy-five (75) feet for steeples or towers on houses of worship

I. **Off-Street Parking –** Shall be provided as under Subsection 5.27.

4.02 Rural Residential Overlay District - RR District

This district shall be an overlay to the Official Zoning Map of the Township. The District requirements as specified in this subsection shall supercede the requirements specified in the underlying district requirements of the affected section of the R/A District. The RR Overlay District is intended to encourage moderate density and clustered residential development in appropriate areas. Sections of the Township within this Overlay District have all or most of the infrastructure components needed to sustain residential units and neighborhoods. Industrial and commercial activities may occur but would require proper buffering for adjacent residential uses.

A. Permitted Uses – The following are permitted uses in the RR District:

1. Single-family detached dwellings including mobile homes, provided that the mobile home is placed on a permanent foundation that shall be of poured concrete or cement block and properly anchored
2. Two-family attached dwellings.
3. Bed and Breakfast/Guest Home.
4. Parks and Playgrounds
5. Essential Services
6. Accessory Buildings and Uses
7. Forestry
8. No Impact Home-Based Businesses

B. Special Exception Uses – The following require Special Exceptions in accordance with Article VI of this Ordinance, and are subject to review and action by the Zoning Hearing Board:

1. Educational facilities (public and private)
2. Churches and Houses of Worship
3. Day care facilities (child and adult) subject to appropriate State regulations

C. Conditional Uses - The following require Conditional Uses in accordance with Article VI of this Ordinance, and are subject to review and action by the Board of Supervisors:

1. Group Homes
2. Personal Care Homes
3. Multi-family residential development
4. Planned Residential Development

D. Area - The minimum lot area for uses within the RR District is as follows:

1. Single Family detached dwellings and group homes – three (3) acres
2. Bed and Breakfast/Guest Home - three (3) acres
3. Two-family attached dwellings – one (1) acre in areas having sanitary sewer service or three (3) acres in areas not having sanitary sewer service
4. Mobile Home Parks – five (5) acres
5. All other uses – three (3) acres

NOTE: In areas not having public sanitary sewer the actual minimum lot size will be the greater of the above or the minimum needed for an On-Lot Sewage Disposal system as per DEP requirements.

E. **Minimum lot width** – The minimum lot width within the RR District at setback is as follows:

1. Single Family detached dwellings, day care facilities and group homes - 100 feet
2. Two-family attached dwellings – 120 feet
3. Bed and Breakfast/Guest Home, Personal Care Homes and Day care facilities – 150 feet
4. All other uses – 300 feet

F. **Coverage -** All buildings, including accessory buildings, shall not cover twenty- five percent (25%) of the lot.

G. **Setback –** The minimum distance from the right-of-way line is as follows:

1. Front Yard - Principal Building:
   a. Single Family detached dwellings, two-family attached dwellings, day care facilities and group homes – Thirty (30) feet
   b. Bed and Breakfast/Guest Home – Thirty (30) feet
   c. All other uses – Fifty (50) feet

2. Side Yard - Principal Building: Each lot shall have two (2) side yards neither of which shall be less than as follows:
   a. Single Family detached dwellings, day care facilities and group homes – Fifteen (15) feet
   b. Bed and Breakfast/Guest Home – Fifteen (15) feet
   c. All other uses – Twenty (20) feet

   All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

3. Rear Yard - Principal Building: Each lot shall have a rear lot of a minimum of twenty-five (25) feet. All accessory buildings shall be a minimum of eight (8) feet from any rear lot line.

H. **Height –** The maximum height of buildings within the RR District is as follows:

1. Single Family detached dwellings, two-family attached dwellings and group homes – two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is less
2. Bed and Breakfast/Guest Home, Day Care Facilities and Personal Care Homes – two and one-half (2 1/2) stories or 35 feet, whichever is less
3. All other uses – Fifty (50) feet except for seventy-five (75) feet for steeples or towers on houses of worship

I. **Off-Street Parking –** Shall be provided as under Subsection 5.27.

4.03 Commercial/Light Industrial Overlay District – C/L District

This district shall be an overlay to the Official Zoning Map of the Township. The District requirements as specified in this subsection shall supercede the requirements specified in the underlying district requirements of the affected section of the R/A District. The C/L Overlay District is intended to preserve and encourage mixed land uses in the form of high density residential development, low density commercial development and certain public uses in areas historically identified as villages. Sections of the Township within this District are capable of sustaining traditional neighborhood development in a manner compatible for all permitted uses.

A. Permitted Uses – The following are permitted uses in the C/L District:

1. Multi-family dwellings.
2. Light Industrial Uses.
3. Warehousing and wholesaling facilities and mini-storage units
4. Professional offices.
5. Commercial and service establishments
6. Educational facilities (public and private)
7. Churches and Houses of Worship
8. Wood products and woodworking.
9. Clubs, Lodges and Fraternal Organizations.
10. Parks and Playgrounds
11. Essential Services
12. Accessory Buildings and Uses
13. Automobile Sales
14. Truck and rail terminals including necessary buildings and activities areas
15. Supply yards including establishments dealing in agricultural materials and supplies and construction contractors' establishments
16. Research laboratories
17. Drive-in stores and shops
18. Forestry
19. No Impact Home-Based Business

B. Special Exception Uses – The following require Special Exceptions in accordance with Article VI of this Ordinance, and are subject to review and action by the Zoning Hearing Board:

1. Shopping Center or Mall
2. Billboards and other off-premises signs
3. Flea Market
4. Public or private ambulance service on a main arterial highway
5. Automobile repair and/or body work facility
6. Gas stations
7. Industrial parks
8. Banks and financial institutions
9. Adult entertainment
10. Methadone treatment facilities

C. **Conditional Uses -** The following require Conditional Uses in accordance with Article VI of this Ordinance, and are subject to review and action by the Board of Supervisors:

1. Group Homes
2. Personal Care Homes
3. Manufacturing not meeting definition of Light Industrial Uses
4. Single-family detached dwellings
5. Solid waste disposal/transfer facilities
6. Methadone Treatment Facilities
7. Data Centers
8. Battery Energy Storage Systems (BESS)

D. **Area -** The minimum lot area for uses within the C/L District is as follows:

1. Shopping center or mall – thirty (30) acres
2. Warehousing and wholesaling – five (5) acres
3. Hotels and motels – three (3) acres
4. Light Industrial Uses – five (5) acres
5. Data Centers – Premises must be entirely contained within the Commercial District.
6. All other uses – one (1) acre in areas having sanitary sewer service or three (3) acres in areas not having sanitary sewer service

NOTE: In areas not having public sanitary sewer the actual minimum lot size will be the greater of the above or the minimum needed for an On-Lot Sewage Disposal system as per DEP requirements.

E. **Minimum lot width** – The minimum lot width within the C/L District for all uses at setback is 150 feet.

F. **Coverage -** All buildings, including accessory buildings, shall not cover thirty percent (30%) of the lot.

G. **Setback –** The minimum distance from the right-of-way line is as follows:

1. Front Yard – 50 feet

2. Side Yard - Each lot shall have two (2) side yards neither of which shall be less twenty (20) feet

   All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

3. Rear Yard - 20 feet

H. **Height –** The maximum height of buildings within the C/L District is as follows:

1. Professional, Commercial and Service uses – thirty-five (35) feet

2. All other uses – Fifty (50) feet

I. **Off-Street Parking –** Shall be provided as under Subsection 5.27.

4.04 Airport Overlay District – AP District

This district shall be an overlay to the Official Zoning Map of the Township. The District requirements as specified in this subsection shall supercede the requirements specified in the underlying district requirements of the affected section of the R/A District. The AP Overlay District is intended to provide for and preserve certain lands, areas and structures required for aviation related activities in the Township to meet air travel and air freight needs of the residents, businesses and visitors and to establish a framework within which commercial and recreational aviation activities can prosper. These are critical for the economic base and public safety considerations of the Township.

A. Permitted Uses – The following are permitted uses within the AP Overlay

1. Runways, taxiways, navigational equipment, and aircraft parking areas, airport administrative offices and other similar facilities associated with a general aviation airport.
2. Hangars intended for the storage of aircraft.
3. Aircraft sales, repair, rebuilding and maintenance, and the facilities essential for such operations.
4. Schools and other instructional activities related to aircraft and flight operations.
5. Fixed base operations providing aviation and aircraft services.
6. Storage and sale of aviation fuel, oil and other aviation fluids.
7. Air freight and air courier services and facilities.
8. Agriculture and horticulture.
9. Accessory Buildings and Uses
10. Forestry
11. No Impact Home-Based Business

B. Conditional Uses - The following require Conditional Uses in accordance with Article VI of this Ordinance, and are subject to review and action by the Board of Supervisors:

1. Manufacturing of aviation equipment
2. Manufacturing dependent on nearby air access

C. Area - The minimum lot area for uses within the AP Overlay is three (3) acres.

NOTE: In areas not having public sanitary sewer the actual minimum lot size will be the greater of the above or the minimum needed for an On-Lot Sewage Disposal system as per DEP requirements.

D. Minimum lot width – The minimum lot width within the AP Overlay at setback is 150 feet.

F. Coverage - All buildings, including accessory buildings, shall not cover twenty-five percent (25%) of the lot.

G. **Setback** – The minimum distance from the right-of-way line is as follows**:**

1. Front Yard – 50 feet

2. Side Yard - Each lot shall have two (2) side yards neither of which shall be less twenty (20) feet

   All accessory buildings shall be a minimum of eight (8) feet from any side lot line.

3. Rear Yard - 20 feet

H. **Height** – The maximum height of buildings within the AP Overlay is thirty-five (35) feet.

I. **Off-Street Parking** – Shall be provided as under Subsection 5.27.

4.05 Conservation Overlay District – S District

This district shall be an overlay to the Official Zoning Map of the Township. The District requirements as specified in this subsection shall supercede the requirements specified in the underlying district requirements of the affected section of the R/A District. The S Overlay District is intended to provide for and preserve certain significant open space resources in the Township to meet recreational needs of the residents and visitors, maintain the quality of life, and protect critical natural features. These resources are critical for the economic base and quality of life of the Township.

A. **Permitted Uses.**

1. Existing principal and accessory uses.
2. Agriculture and horticulture.
3. Water-related uses such as docks, piers, wharves and bridges.
4. Passive Recreation, including trails, bike paths, open space, and nature walks.
5. Accessory Buildings and Uses
6. Forestry

B. **Conditional Uses -** The following require Conditional Uses in accordance with Article VI of this Ordinance, and are subject to review and action by the Board of Supervisors:

1. Public memorials and monuments
2. Active recreational facilities

C. **Area -** The minimum lot area for uses within the S District is ten (10) acres.

D. **Minimum lot width** – The minimum lot width within the S District at setback is 500 feet.

F. **Coverage -** All buildings, including accessory buildings, shall not cover ten percent (10%) of the lot.

G. **Setback –** The minimum distance from the right-of-way line is as follows:

1. Front Yard – 100 feet

2. Side Yard - Each lot shall have two (2) side yards neither of which shall be less Fifty (50) feet

3. Rear Yard - 50 feet

H. **Height –** The maximum height of buildings within the S District is fifteen (15) feet.

4.06 ZONING MAP

The boundaries of the Zoning Districts shall be shown on the map attached to and made a part of this Ordinance that shall be designated the "Official Zoning Map". The same map and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described within the text of this Ordinance.

4.07 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply.

(1) District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan or record in the Venango County Recorder of Deed's office at the time of the adoption of this Ordinance, although District boundary lines are graphically depicted in scale as per the legend on the Zoning Map.

(2) Where a District boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

(3) In unsubdivided land or where a District boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the maps.

(4) In cases of uncertainty as to the true location of a District boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination provided, however, that no boundary shall be changed by the Zoning Hearing Board.

4.08 APPLICATION OF DISTRICT REGULATIONS

The regulations set forth in this Article for each District shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

(1) No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the District in which it is located.

(2) No building or other structure shall hereafter be erected or altered:
   A. To exceed height or bulk requirements.
   B. To occupy a greater percentage of lot area.
   C. To accommodate or house a greater number of families, except as permitted in a residential conversion.
   D. To have narrower or smaller rear yards, front yards, side yards, or other open space than herein required, or in any other manner be contrary to this Ordinance.

4.09 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS

The specific use regulations and dimensional requirements pertaining to each District are contained in the descriptions in this Article.

ARTICLE V

SPECIAL AND SUPPLEMENTARY REGULATIONS

5.00 INTENT

This Article lists specific controls over general aspects of land utilization that are not included elsewhere in this Ordinance. The Cherrytree Township Zoning Officer has the right and authority to perform or have performed by an independent party and relevant investigation or study to assure public safety, health and welfare and require the cost to be borne by the applicant. The following regulations shall apply to all Zoning Districts and uses as applicable.

5.01 PUBLIC UTILITY CORPORATION EXEMPTION

The provisions of this Zoning Ordinance shall not apply to any existing or proposed building or extension thereof used by any public utility corporation, if upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed location or use of the building in question is reasonably necessary for the convenience or welfare of the public.

5.02 ENVIRONMENTAL PERFORMANCE STANDARDS

The Cherrytree Township Supervisors may require safeguards to assure compliance with the certain environmental standards. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements related to this Subsection. Upon request of the Township, the owner shall furnish or obtain proof at his own expense that he is in compliance with the following environmental standards:

(1) Air Management
   a. The burning of tires, plastic, or any toxic substance is not permitted.
   b. No gasses, vapors or fumes shall be emitted which are harmful to persons, property, animals, or vegetation.
   c. No radioactive vapors or gasses shall be emitted.
   d. No objectionable odors other than agricultural in origin shall be detectable beyond the property boundaries.

(2) Solid Waste Management
   No storage of waste materials on a lot shall be permitted in excess of thirty (30) days. All waste materials awaiting transport shall be kept in enclosed containers and be screened from view.

(3) Noise and Vibration
   a. There shall be no noise nuisance beyond the boundary of the lot boundary.
   b. No physical vibration shall be perceptible without use of an instrument at the lot boundaries.

(4) Lighting and Heat
   a. All lighting shall be shielded and not cause a glare beyond the lot boundary.
   b. Any operation producing heat shall prevent any effect from the heat beyond the property lines.

(5) Ground Water Supplies
   No use shall endanger ground water levels and quality nor adversely affect ground water supplies of nearby properties.

5.03 BUILDING HEIGHT EXCEPTIONS

Height regulations of this Ordinance shall not apply to agricultural structures, silos, water towers, church spires, belfries, antennas, chimneys, architectural ornament, or appurtenances placed above the roof level not intended for human occupancy, although certain height regulations may be in other Township ordinances. Flag poles are permitted in all districts and shall not exceed the height of the primary building.

5.04 BUILDING SETBACK EXCEPTIONS

The required building setback for a proposed building may be decreased to the average setback of existing buildings within one hundred (100) feet on each side of the proposed building. Setback reduction may occur when adjacent buildings have less than the front yard requirement for the applicable District, but in no case shall the reduction encroach upon the street right-of-way. The granting of a variance shall be the authority of the Zoning Hearing Board.

5.05 REQUIRED YARD EXCEPTIONS

No structure or part of a structure shall be erected within or shall project into any required yard setback except:

(1) Overhanging eaves, gutters, cornices or solar energy collector not exceeding two (2) feet in width.
(2) Arbors, trellises, garden sheds, flagpoles, unroofed steps, unroofed terraces, awnings, movable canopies, walls, fences and other similar uninhabitable structures shall be permitted, provided they are not more than eight (8) feet in height.

(3) Unenclosed fire escapes that extend no more than six (6) feet into any required yard area.

5.06 OBSTRUCTIONS

(1) On a corner lot, no structure shall be erected or enlarged, and no vegetation shall be planted or maintained which may cause visual obstruction to motorists on any public road.

(2) Clear sight triangles shall be provided at all street intersections. Within such triangles, no object shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet, measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of fifty (50) feet from the point of intersection of the center lines of local and collector streets. For all intersections with arterial, triangles shall be established in accordance with the current edition of *Geometric Design of Highways and Streets,* by the American Association of State Highways and Transportation Officials (AASHTO) that takes factors such as vertical grade, speed limit, number of travel lanes and other factors of the intersecting arterial into account.

5.07 FLOOD PLAIN MANAGEMENT

Flood plain management is the responsibility of the individual municipality. Therefore, in addition to the requirements established by this Ordinance, any activity in a designated flood prone area will be subject to the appropriate municipal ordinance.

5.08 TRAVEL TRAILER/RECREATIONAL VEHICLE OCCUPANCY AND STORAGE REQUIREMENTS

Travel trailers equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot for more than thirty (30) consecutive days. Travel trailers not equipped with holding tank facilities and that are not connected to a permitted sewage treatment system (public sewer, in-ground holding tank, absorption bed system) shall not remain on a lot for more than ten (10) consecutive days. This subsection shall not apply to the seasonal storage of a travel trailer or recreational vehicle on a lot containing an occupied residential structure, providing that the travel trailer or recreational vehicle is owned by the land owner(s) of the lot and is not occupied at any time during storage by anyone but the land owner(s).

5.09 PLANNED RESIDENTIAL DEVELOPMENT

A Planned Residential Development as defined by Act 247, the Pennsylvania Municipalities Planning Code, may be permitted in the RR District described in this ordinance as a Conditional Use, provided it meets the minimum standards.

The following are the purposes of the Planned Residential Development:

(1) To respond to the growing demand for housing of all types and design;

(2) To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, design, and layout of buildings;

(3) To encourage the conservation of natural features and more efficient use of auxiliary open space;

(4) To provide greater opportunities for better housing and recreation to all citizens and residents of this Commonwealth.

(5) To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development so that economies secured may benefit those who need homes; and

(6) To provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas.

5.10 ADULT ENTERTAINMENT ESTABLISHMENTS

Within the C/L District, adult entertainment establishments are permitted as a Special Exception subject to the following requirements:

(1) The building or structure of such use shall be located not less than five hundred (500) feet from any residential use or district, public or private school, church, day care centers, recreation facility or any other religious, institutional, or educational use.

(2) No such use shall be located within two thousand (2,000) feet of a similar use.

(3) No materials sold within shall be visible from any window, door, or exterior of the building.

(4) No person under the age of eighteen (18) years of age shall be permitted within an adult commercial store or sold any pornographic material.

(5) Signage shall be limited to one attached sign no larger than twelve (12) square feet. Signage may be lighted by a covered and recessed fixture located at the top or base of the sign.

5.11 AGRICULTURE

Where permitted, agricultural activities are subject to the following requirements:

(1) Storage of manure, odor producing and/or dust producing substances shall not be permitted within two hundred (200) feet of any lot line.

(2) A heating plant shall not be operated within one hundred (100) feet of any lot line.

(3) Buildings in which animals and/or poultry are housed shall not be permitted within fifty (50) feet of and lot line.

(4) The selling of products raised, bred or grown on the premises shall be permitted, in stands, shelters and/or kiosks used for such sales shall be removed or secured when not in use for the display or sale of said products. Such facilities shall be accessory structures and located within the lot where the products are raised, bred or grown.

5.12 AUTOMOBILE REPAIR OR BODY WORK FACILITY

Automobile repair garage, including paint spraying and body and fender work shall be permitted by Special Exception in the R/A District and C/L District, subject to the following requirements:

(1) All automobile parts, refuse, and similar articles shall be stored within a building or enclosed area.

(2) All repair and paintwork shall be performed within an enclosed building.

(3) No junk vehicles may be stored in the open for a period of longer than one hundred eighty (180) days. No more than three (3) such vehicles may be stored in the open.

(4) Signage shall be limited to one attached sign no larger than twenty (20) square feet and/or one (1) perpendicular hanging sign no larger than twelve (12) square feet and one free standing sign no larger than twelve (12) square feet set back at least twenty (20) feet from the adjoining road right-of-way.

5.13 BROADCAST TRAMSMISSION FACILITIES

(1) Building mounted Broadcast Transmission antennas shall not be located on any single family or two family dwelling.

(2) Building mounted Broadcast Transmission antennas shall be permitted to exceed the height limitations of the applicable zoning district by not more than 20 feet. Broadcast Transmission antennas co-located on existing permitted antennas shall not exceed the height established by Board of Supervisors.

(3) Omni-directional or whip antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

(4) Directional or panel Broadcast Transmission antennas shall not exceed five (5) feet in height and three (3) feet in width.

(5) Any applicant proposing Broadcast Transmission antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer or architect 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.

(6) Any applicant proposing Broadcast Transmission antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings to the Board of Supervisors indicating how the antennas will be mounted on the structure.

(7) Any applicant proposing Broadcast Transmission 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 Broadcast Transmission equipment building can be accomplished.

(8) Broadcast Transmission antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(9) Broadcast Transmission antennas shall not cause radio frequency interference with other Broadcast Transmission facilities located in the Township.

(10) Broadcast Transmission antennas shall be setback from any residence in an abutting zoning district a distance equal to the height of the tower plus fifty (50) feet.

(11) A Broadcast Transmission equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure. Broadcast Transmission equipment housed in underground vaults shall be exempt from setback requirements.

(12) The owner and/or operator of Broadcast Transmission antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(13) The applicant shall supply documentation to the Township documenting the need for the Broadcast Transmission Facilities and efforts to secure co-location; a visual impact assessment and neighborhood impact assessment of the proposed facilities; and scale drawings showing the proposed placement, spacing, construction and/or modification of the Broadcast Transmission antennas and related facilities.

(14) As conditions to issuance of the permit, applicants for Broadcast transmission Facilities shall be required to supply the following:

- Financial security in the amount of $100,000 shall be placed with the Township to assure compliance with the provisions of this Ordinance. The form of security shall be subject to the Township's approval and shall be maintained until the removal of the facility.
- Public liability insurance for personal injuries, death and property damage in the amount of $2,000,000 per occurrence. The Township shall be listed as an additional insured, and the policy shall contain an endorsement that gives the Township a 30-day notice prior to policy cancellation. A copy of said policy shall be delivered to the Township upon issuance.
- All documentation applicable to the facility including its operation and any enforcement/activities by other agencies.

5.14 CLUBS, LODGES AND FRATERNAL ORGANIZATIONS

In districts where permitted, these uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; providing that no sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter erected or converted for such uses are subject to all applicable regulations for the Zoning District in which it is located.

5.15 GROUP HOMES

Group homes are facilities intended to accommodate special persons (Article III Definitions) and are permitted as Conditional Uses in the RA, RR and C/L Districts, subject to the following requirements:

(1) The number of persons living in such a group home shall not exceed 2 persons per bedroom and shall include at least one (1) on-site support staff member who shall not be included in the maximum number.

(2) All group home structures should have the appearance of single family or other traditionally residential structures.

(3) All group homes shall meet the minimum yard, setback and lot width requirements in the applicable Zoning District.

(4) A group home must be sponsored and operated by a group, organization or corporation licensed by either the County or the State. Proof of licensing shall be submitted with applications for the group home use. Proof of compliance with all applicable County or State regulations shall be furnished to the Zoning Officer.

(5) Sewer and water services shall be provided in accordance with the relevant Township Ordinances.

(6) No group home shall be constructed within a one-half (0.5) mile radius of any other group home.

5.16 HOME OCCUPATIONS

Home Occupations, meeting the definition of *a No Impact Home Business*, are permitted uses in the RA and RR Districts, subject to the following requirements:

(1) The home occupation shall be carried on only by a member of the immediate family with a maximum of two (2) non-resident employees.

(2) The character or external appearance of the dwelling unit or accessory structure must be consistent with the Zoning District. No display of products may be shown so as to be visible from outside.

(3) A nameplate not larger than six (6) square feet in area shall be permitted, and cannot be animated or illuminated by direct light.

(4) Not more than thirty-five (35) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation.

(5) The use will not result in substantial increase in road traffic. A twenty (20) percent increase in road traffic shall be regarded as substantial.

(6) The use will not involve any waste product other than domestic sewerage or municipal waste.

(7) If an existing accessory building is to be enlarged or a building constructed to accommodate the proposed use, the building after enlargement or construction shall not have a floor area in excess of fifty (50) percent of the floor area of the principal building.

(8) The use will not be one that creates dust, heat, glare, smoke, vibration, audible noise, or odors outside the building.

(9) The applicant must supply to the Zoning Officer such information to ensure that all of the above requirements will be met. The zoning permit once issued shall continue in effect as long as there is no change in the nature or extent of the use.

5.17 JUNKYARDS

Within the R/A District, salvage/junk yards meeting the definition in Article III of this Ordinance shall be permitted as a Conditional Use, subject to the following requirements:

(1) The deposit or storage for more than one hundred twenty (120) days of four (4) or more motor vehicles not having valid registration stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of four (4) or more wrecked or

broken vehicles, or the major parts of four (4) or more such vehicles, shall be deemed to make the lot a junk yard.

(2) No material shall be placed in any junkyard in such a manner that is capable of being transferred out of the junkyard by wind, water, or other natural causes.

(3) The boundaries of any junkyard shall at all times be clearly delineated by a closed fence.

(4) All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be kept within fully enclosed buildings.

(5) The land area used for junkyard purposes shall not be less than five (5) acres and shall not be exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.

(6) Screening of the junkyard from neighboring land uses shall, as a minimum, require the following:

a. The junkyard shall be entirely enclosed by a closed fence at least eight (8) feet by no more than ten (10) feet high constructed of approved fencing material with access only through solid gates. Such fence or wall shall be kept in good repair. A brick wall, stockade fence or a chain link fence with opaque insets that shields the view of the property will meet this requirement. .
b. The contents of such a junkyard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
c. The fence or wall shall be situated no closer to any street or property line than twenty-five (25) feet.

(7) All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.

(8) No burning shall be carried on in any junkyard. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles at least fifteen (15) feet for escape and firefighting, and by other necessary measures.

5.18 KENNELS

Within the RA District, kennels are a permitted use subject to the following requirements:

(1) All animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.

(2) All animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls, or runways shall be a minimum of fifty (50) feet away from all property lines.

(3) All outdoor running areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be a minimum of ten (10) feet from all property lines.

(4) All animal wastes shall be regularly and properly disposed.

(5) The applicant shall demonstrate a working plan to prevent or alleviate any noise problems emanating from animals boarded on the site.

5.19 MANUFACTURING

Proposed industrial operations are a permitted use in the C/L District. The zoning permit application shall require the submission of information including a plot plan; a description of the manufacturing operation and process; engineering plans for water supply and sewage disposal; plans for the prevention of noise, vibration, fire hazards, pollution and traffic; description of proposed fuels to be used; number of shifts and maximum employment per shift; and additional information requested by the Zoning Officer.

5.20 MOBILE HOME PARKS

Mobile home parks are permitted as a Special Exception in the R/A District, subject to the following provisions.

(1) General Standards

a. Mobile home park regulations are covered by Venango County's SALDO (Subdivision and Land Development Ordinance).

b. The minimum width of any mobile home lot shall be not less than 75 feet. The minimum length of any mobile home lot shall be not less than 120 feet or equal to the overall length of any mobile home located on the lot plus 30 feet, whichever length is greater. The maximum number of mobile home lots per acre shall be 4.

(2) Set Backs, Buffer Strips, and Screening Requirements

a. All mobile homes, auxiliary park buildings and other park structures shall be located at least 40 feet from the mobile home park boundary lines. The minimum buffer strip may be reduced to 25 feet if a suitable perimeter screening of plantings of fencing is provided and approved by the Zoning Hearing Board.

b. Mobile homes shall be located at least 50 feet from any auxiliary park buildings and any repair, maintenance or storage areas of buildings.

5.21 MOTELS

Motels and hotels are a permitted use in the C/L District, and shall be subject to the following additional regulations:

(1) The minimum lot area shall be three (3) acres;

(2) Approved collection and treatment of anticipated sewage flows shall be documented, and each unit shall be provided with hot/cold water and complete toilet facilities;

(3) The perimeter of the lot shall be landscaped;

(4) If constructed as freestanding units, the minimum space between cabins/units shall be twenty (20) feet and the minimum space between the fronts and rears of cabins/units shall be sixty (60) feet.

(5) Parking shall be provided in accordance with Subsection 5.27;

(6) A plan shall be submitted showing the boundary of the property; access/egress points, sidewalks, and internal roads; plot plan; and utility plan.

5.22 MUNICIPAL BUILDINGS AND USES

The requirements of this Ordinance shall not apply to any building of the Township of Cherrytree required for the convenience or welfare of the public.

5.23 SANITARY DISPOSAL AND TRANSFER STATIONS

Sanitary landfills are not permitted in any district. Transfer stations shall be permitted as a Conditional Use in the C/L District, subject to the following requirements:

(1) All activities must be in compliance with all applicable federal, state and local regulations.

(2) All activities must be entirely fenced with an opaque material at least ten (10) feet in height. A living fence shall not be substituted.

(3) Setbacks on all sides must be at least three hundred (300) feet.

(4) All access roads must be constructed to meet the requirements of the Pennsylvania Department of Transportation Form 408.

5.24 SIGN REGULATIONS

(1) General Requirements: The following regulations shall apply to all Zoning Districts:

a. Permits to construct, install and maintain signs shall be obtained from the Zoning Officer, and shall be in accordance with the requirements of the respective Zoning District.

b. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.

c. Signs shall not contain moving mechanical parts or use flashing or intermittent illumination. The source of light shall be steady and stationary.

d. No sign shall be placed in a position, or have illumination that it will cause any danger or distraction to pedestrians or vehicular traffic.

e. Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the sign is illuminated.

f. No sign other than official traffic signs shall be erected within the right-of-way lines of any street.

g. Every sign must be constructed of durable material and be kept in good condition. Any sign that is allowed to become dilapidated shall be removed by the owner, or upon failure of the owner to do so, by the Township at the expense of the owner or lessee. The Zoning Officer shall make such determination as to state of repair.

h. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.

i. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.

j. No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.

k. No sign shall be erected containing information that implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.

l. No sign shall be placed on any tree except political signs, yard or garage sale signs, hunting and trespassing signs. Any political, yard or garage sale signs must be removed no later than five (5) days after the cessation of the posted event.

m. The distance from ground level to the highest part of any freestanding sign shall not exceed eight (8) feet in residential districts.

n. No freestanding sign shall be located within the public right-of-way.

o. Signs shall not project above the maximum building height permitted in any District in which they are located.

p. Signs necessary for the identification, operation, and protection of public utilities, may be erected within the street right-of-way when authorized by the Zoning Officer for a special purpose and for a specified time.

q. All signs erected along the right-of-way of a state highway shall be in accordance with the regulations of Pennsylvania Department of Transportation.

(2) Signs in the R/A District and RR Overlay District: Signs for uses in the R/A and RR Districts are subject to the following requirements:

a. Official traffic signs.

b. Identification signs, bulletin or announcement boards for schools, churches, hospitals, or similar institutions, for similar permitted uses, approved Special Exception Uses and approved Conditional Uses, with the exception of home occupations:
   i. No more than two such signs shall be erected on any frontage to any one property.
   ii. The area on one side of any such sign shall not exceed sixteen (16) square feet in the RA District and six (6) square feet in the RR and RA Districts.

c. Home occupations as a permitted use in the R/A and RR Districts may have an identification sign indicating the name, profession, or activity of the occupant of a dwelling, provided:
   i. The area of any one side of any such sign shall not exceed six (6) square feet.
   ii. One such sign shall be permitted for each permitted use or dwelling.
   iii. A sign indicating the permitted home occupation use shall be erected on the property where that use exists.
   iv. The sign shall not be illuminated or animated.

d. Real estate signs, including signs advertising the rental or sale of premises, provided that:
   i. The area on any one side of any such sign shall not exceed six (6) square feet.
   ii. A sign shall be located on the property to which it refers.
   iii. Such signs shall be removed within seven (7) days upon the closing of the premises.
   iv. Not more than one such sign shall be placed on any one street frontage.

e. Temporary signs of contractors, architects, special events, and the like, provided that:
   i. Such signs shall be removed within fourteen (14) days upon completion of the work or special event.

ii. The area of such signs shall not exceed six (6) feet.
iii. Such signs shall be located on the applicable property.

f. Signs advertising an existing non-conforming use, provided that:
i. The area on one side of such sign shall not exceed sixteen (16) square feet in the RA District and six (6) square feet in the RR District.
ii. The sign shall be erected only on the applicable premises.
iii. No more than one such sign shall be erected on any one street frontage.

g. Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed four (4) square feet.

h. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two (2) square feet.

i. Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.

j. Sign denoting the name of a subdivision or development, provided that:
i. The area on one side of such sign shall not exceed twenty-four (24) square feet.
ii. The sign shall be erected only on the premises on which the subdivision or development is located.
iii. No more than one such sign shall be erected on any one street frontage.

(3) Signs in the C/L and AP Overlay Districts are subject to the following:

a. Any sign permitted under Section 5.24 (2) of this Article are permitted in this District.

b. Commercial/industrial business signs, provided that:
i. The total area on one side of all business signs placed on or facing any one street frontage of any one premises shall not exceed one square foot for every on lineal foot in lot frontage up to a maximum of 100 square feet, except in the case of a tract or building housing more than one commercial use.
ii. In the case of a building, or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The area on one side of said sign shall not exceed fifty (50) square feet. In addition, for each use located within that building, or on the same lot, one wall-mounted sign shall be permitted. The area of such sign shall not exceed twenty (20) square feet, and may be attached to that portion of the building housing in use.

iii. No more than two (2) separate signs shall face any one street frontage for any one use.

c. Free-standing signs, provided that:
   i. No more than one (1) freestanding sign exclusive of all directional signs shall be allowed on any one property.
   ii. The area on one side of a freestanding sign shall not exceed eight (8) square feet, exclusive of all directional signs.

d. Billboards may be allowed as a Special Exception, provided that:
   i. Billboards shall be located no closer than within one thousand (1,000) feet of another billboard.
   ii. Billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
   iii. All billboards shall be set back at least fifty (50) feet from any road right-of-way lines.
   iv. All billboards shall be set back at least one hundred (100) feet from any existing residential dwelling.
   v. Billboards shall not obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
   vi. Billboards shall not exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.

(4) Existing signs at the time of the passage of this Ordinance are subject to the following:

a. Existing signs may be continued provided that all such signs shall conform to the General Requirements as set forth in Section 5.27 (1) of this Article.

b. Any sign existing at the time of the passage of this Ordinance that does not conform with the regulations of the District in which such sign is located shall be considered a nonconforming use and may continue in such use in its present location until replacement or rebuilding becomes necessary and/or ordered by the Township, at which time a zoning permit will be required and the sign brought into conformity with this Ordinance.

5.25 SCREENING REQUIREMENTS

It is the intent of the screening provisions to provide visual and auditory separation between potentially incongruous land uses. It is a further intent of the following provisions to provide flexibility to the developer or property owner to create effective concealment through performance design requirements below.

(1) Screening requirements shall be applicable under the following circumstances:

a. Where a proposed commercial or industrial use abuts an Agriculture use.

b. Where a proposed non-residential use abuts an existing residential use.

c. Where any proposed multiple family residential building of four or more dwelling units, (including a retirement village, and mobile home park) abuts an existing single family residential use or district;

d. Any other instance where screening is required by this Ordinance, or deemed necessary by the Township Supervisors or the Zoning Hearing Board in relation to Conditional Uses or Special Exceptions.

Screening is not required if the features to be screened are set back three hundred (300) feet or more from the lot line along which screening would otherwise be required.

(2) In addition to the Zoning District boundary areas described above, the following land development features shall be screened on the lot for which development is proposed:

a. Loading and unloading areas;

b. Parking lots for ten (10) or more vehicles;

c. Storage of products or raw materials;

d. Refuse storage and transfer facilities;

e. Mechanical equipment, vents, fans, and similar appurtenances;

f. Mini-storage units

(3) Site and district requirements

a. For screening of features, screening may be located anywhere on the lot provided it effectively shields the features to be screened.

b. For a Zoning District buffer, screening shall be located at the lot perimeter representing the Zoning District boundary.

c. Screening may be interrupted for necessary driveways to the street, provided a gap in the screening does not exceed thirty (30) feet.

(4) Effective screening may be accomplished through the use of one or more of the following methods:

a. Placement of features to be screened behind an existing or proposed landform or berm.

b. Use of existing or proposed ninety percent (90%) opaque architectural barriers such as walls, fences and buildings, provided they are architecturally compatible with the style of buildings on the abutting lot(s) that necessitate the screening.

c. Use of existing woody vegetation masses such as hedges, woodlands and hedgerows, provided they are preserved intact during construction on the site.

d. Proposed woody vegetation plantings such as trees and shrubs.

(5) Buffer/Screen width located between divergent land uses shall be in response to the degree of land use conflict. The width shall be as follows:

a. A minimum buffer of fifty (50) feet width of existing or newly-planted trees is required where any proposed commercial and/or industrial uses abut the existing residential dwellings.

b. A planted buffer of twenty-five (25) feet width is required between any other incongruous land uses so deemed by the Township Supervisors or Zoning Hearing Board, as applicable for the specific Conditional or Special Exception use.

c. The width of the buffer may be reduced by means of employing other methods as noted in section 5.25 (4) above, as approved by the Zoning Officer (for permitted uses), Supervisors (for Conditional Uses) and the Zoning Hearing Board (for variances, Special Exceptions and appeals).

To meet the above screening requirements in part or in whole, existing wood lots and hedgerows should be utilized, if they exist.

(6) The following design standards shall guide the design of the buffer:

a. For areas requiring a screen width of fifty (50) feet or more, a tree plantation or a combination of trees and shrubs is required.

b. Where trees are proposed for screening, at least one (1) tree that normally achieves a height greater than thirty (30) feet shall be planted for every twenty (20) linear feet of distance required to be screened. Any resulting fraction of this division shall be rounded up to the next whole number. Location of the required trees is flexible.

c. Where proposed shrubs are used, the maximum distance between plant centers shall be eight (8) feet.

d. At a minimum, screening shall be of sufficient height and density to constitute a continuous opaque screen in summer months to a height of six (6) feet within a period of three (3) years of planting.

e. Proposed trees and shrubs shall be healthy, typical of their species, have normal growth habits with well-developed branches and vigorous root systems.

(7) The following Performance Standards affect the design and requirement of screening:

a. The developer is encouraged to consider placing improvements on the land in a manner that would lessen the extent and cost of required screening. Examples of sensitive design include the following:
   i. Situating development in or behind existing vegetation such as woodlots or hedgerows.
   ii. Consolidating or clustering development in the smallest possible land area.
   iii. Situating development far from the lot line.
   iv. Situating development behind landform crests.

b. To assure compliance with screening requirements, the applicant shall provide a screening plan to enable the Township to access whether proposed screening will create an effective buffer at necessary points. The screening plan shall be drawn to scale and proposed plants shall be indicated, including type, quantity, size at planting time, and spacing, and may include any one of the following:
   i. Plot plan with view analysis,
   ii. Landscaping and grading plan,
   iii. Topographic profiles and cross-sections, or
   iv. Photographic evidence.

(8) The following maintenance requirements apply to all screening/buffering:

a. Any tree or shrub planted for screening purposes that dies within one (1) year shall be replaced.

b. Any fence, wall or other architectural method utilized for screening shall be maintained in a structurally sound condition, and the surfaces facing the lot line shall be maintained for an attractive appearance.

c. Any landform or existing vegetation mass approved for screening shall not be altered or otherwise developed, except for usual maintenance.

d. The owner shall be responsible for continual maintenance of the screening. A note on the subdivision land development or site plans shall indicate this, and be signed by the applicant.

5.26 SWIMMING POOLS

Private swimming pools are permitted uses subject to the following requirements:

(1) The pool shall be intended and shall be used solely for the enjoyment of the occupants and their guests of the principal use of the property.

(2) The pool shall be located in either the rear or side yard of the property. Any in-ground pool must be located at least 10 feet from any property line.

(3) All in-ground pool areas shall be fenced and locked gate or otherwise protected so as to prevent uncontrolled access by children from the street or adjacent properties. The barrier shall be not less than four (4) feet in and shall be maintained in good condition.

(4) For above ground pools, the pool should contain a locked gate around its access or access must be removed when not in use.

(5) The pool and deck comprise the accessory use and must meet the appropriate setbacks for the District within which it is located, with the pool subject to 5.26 (2) above.

(6) Pools shall conform with other locational, barrier, pedestrian gate, wiring and other applicable requirements as per the Uniform Construction Code.

5.27 DRIVEWAYS AND PARKING

(1) To minimize traffic congestion and hazard, control road access and encourage orderly development of street frontage, the following regulations shall apply:

a. Every building erected or altered shall be on a lot adjacent to a public road or have access to a public road via an approved private road.

b. All driveways to any public road shall be located a minimum of seventy-five (75) feet from any intersection of road centerlines.

(2) Specific Parking Requirements for various uses in each District shall be as follows:

USE	**PARKING SPACE REQUIREMENT**
Residential	2 spaces per dwelling unit
Houses of Worship/auditorium	1 space for every three seats
Nursing/Convalescent Home	1 space for every three beds plus 1 space per employee on the largest shift
Doctor/Dental Office	4 spaces per doctor/dentist, plus 1 space per employee
Day Care facilities	1 space per employee plus a drop-off area equating to 1 space per 6 children/clients
Parks and playgrounds with spectator seating	1 parking space for every three (3) seats.
Educational Facilities/Assembly halls	1 space per 4 seats in assembly room plus 1 space per employee
Hospital	3 spaces per bed
Retail/Commercial (not otherwise classified)	1 space per 300 square feet of floor space used for sales purposes
Supermarkets and food stores	1 space for every 200 square feet of floor space used for sales purposes
Eating and drinking establishments	1 parking space for every two and one-half (2 1/2) seats for patron use and 1 space for each employee
Drive-in and fast-food restaurants	1 space for every ten (10) square feet of floor area and one (1) space for each employee.
Bowling alleys	5 spaces for each pair of lanes and 1 space for each employee
Skating rinks	1 space for every one hundred (100) square feet of skating area and 1 space for each employee.
Golf courses/ranges	1 space per four holes/stalls and 1 space per employee

Animal kennels	1 space for every three (3) kennel runs and one 1 space for each employee.
Office buildings and professional offices	1 space for each two hundred (200) square feet of floor area
Motels, hotels, Bed & Breakfasts and guest homes	1 space for each unit and 1 space for each employee on the largest shift
Barber and beauty shops	2 spaces per shop plus one and 1 1/2 spaces per chair.
Shopping centers/Malls	1 space for each three hundred fifty (350) square feet of floor space used for sales purpose
Home occupations	1 space per non-resident employee in addition to the residential parking requirement
Service stations and vehicle repair	2 spaces per repair bay and 1 space per employee
Car wash	1 space per employee
Industrial Uses	Twenty-five (25) percent of the building's gross floor area
Self-storage Uses	1 parking space for every storage unit.

5.28 TRAVEL TRAILER/RECREATIONAL VEHICLE PARKS

In the R/A District this uses shall be subject to the following requirements:

(1) Access/egress points, internal roads and walkways shall be stabilized, lighted and maintained in good condition;

(2) The minimum size of a campsite shall be two thousand (2,000) square feet;

(3) The minimum length of a campsite shall be forty (40) feet;

(4) The minimum spacing between each trailer/RV shall be twenty (20) feet;

(5) Each campsite shall have space for the parking of one vehicle, and each trailer/RV site shall have space for one additional vehicle; and

(6) Potable water and sewage disposal must meet DEP standards.

The above site issues shall be depicted on a scale plan submitted at the time of application.

5.29 AIRPORT HAZARDS

In addition to any requirements regulating the use of land included in this Ordinance, development, construction and land uses in the vicinity of the Titusville Airport are also subject to the provisions of the Cherrytree Township Ordinance to Prevent the Creation and Establishment of Airport Hazards, which establishes standards, zones and other regulations related to preventing obstructions and airport hazards or any other ordinances as amended.

5.30 SPECIAL ACCESSORY USE - OUTDOOR FURNACES

Outdoor furnaces are permitted as special accessory uses in the RA District, subject to the following:

(1) Outdoor furnaces shall be located within fifty (50) feet of the permitted principal structure for which it is supplying heat or hot water;

(2) Outdoor furnaces shall have the maximum of a twenty (20) foot insulated steel chimney or stack;

(3) Outdoor furnaces shall be equipped with a spark arrester meeting the requirements of NFPA Code 211;

(4) Fuel for outdoor furnaces shall be limited to coal, pellets, firewood and untreated lumber; and

(5) Setbacks for outdoor furnaces shall be a minimum of 200 feet from an existing residential dwelling on an adjacent parcel of land.

Any variations from the above may be brought to the Zoning Hearing Board as an appeal and/or variance.

5.31 WIND ENERGY CONVERSION SYSTEMS

Residential WECS shall be allowed as a permitted use in the RA District and commercial WECS shall be allowed as a Special Exception in the RA District, subject to the requirements of this subsection.

(1) Building permit applications for a wind energy conversion system shall be accompanied by a plot plan drawn in sufficient detail to clearly describe the following.

a. Property lines and physical dimensions of the site.

b. Location, approximate dimensions and types of major existing structures and uses on site.

c. Location and elevation of the proposed WECS.

d. Location of all aboveground utility lines on site or within one-mile radius of the total height of the WECS.

e. Location and size of structures and trees above 35 feet within a two-hundred foot radius of the proposed WECS. For purposes of this requirement, electrical

transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.

f. Include make, model, picture and manufacturer's specifications.

g. Where applicable, the location of all transmission facilities proposed for installation; and

h. Where applicable, the location of all road and other service structures proposed as part of the installation.

(2) General provisions: Installation of all wind energy conversion systems shall comply with the following requirements:

a. Certification of Compliance with Uniform Construction Code (UCC): Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system, including support structures, tower, base and footings. Drawings, compliance with UCC and any necessary calculations shall be certified, in writing, by a professional engineer registered in the Commonwealth of Pennsylvania.

b. Compliance with National Electrical Code (NEC): Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the NEC. The application shall include a statement from a professional engineer registered in the Commonwealth of Pennsylvania indicating that the electrical system conforms to good engineering practices and complies with the NEC.

c. Rotor safety: Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a certification that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.

d. Guy wires: Anchor points for guy wires for the WECS tower shall be located within property lines and not on or across any aboveground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high. All guy wires and anchors shall be located at least 10 feet from property lines.

e. Setbacks: The WECS shall be set back from the property line as follows:
   1) The Residential WECS shall be set back from any property line, aboveground utility line a distance greater than either its overall height, including blades, or the minimum yard requirement. A Commercial

WECS shall be set back from any property line, aboveground utility line a minimum distance of its overall height, including blades, plus 50 feet.

2) A single WECS on a property shall be set back from all property lines a distance equal to or greater than the distance from existing grade at the foot of the tower to the top of the blade or rotor system.

3) In cases of more than one WECS on a property, the property line setback shall apply and the separation of one WECS from another ECS shall be a distance equal to or greater than 1 1/2 times the distance from existing grade at the foot of the tower to the top of the blade or rotor system.

4) In the case of cluster development, a residential WECS shall be erected within the common open space area and shall be set back from all residences a distance greater than Subsection 5.30 (2) (e) 1) above.

f. Contiguous property owners may construct a residential WECS for use in common, provided that the required setback is maintained relative to the property lines of non-participating property owners

g. Tower access. Towers should have either (a) Tower-climbing apparatus located no closer than 12 feet from the ground; or (b) a locked anti-limb device installed on the tower; or (c) the tower shall be completely enclosed by a locked, protective fence at least six feet high.

h. Noise: WECS shall not cause excessive noise exceeding that of the ambient level of noise at the property line.

i. Electromagnetic interference: The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the Township that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate and/or filter the harmful interference.

j. Signs: At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

k. Height: The minimum height of the lowest part of the WECS shall be 30 feet above the highest existing major structure or tree within a two-hundred-fifty-foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures.

1) The maximum height of a Residential WECS shall be 70 feet.

2) The maximum height of a Commercial WECS shall be determined by the ZHB based on information submitted by the applicant.

l. Utility notification for those commercial WECS which will be interconnected to a utility grid: No wind turbine shall be installed until evidence has been given that the utility company has been notified in writing.

m. Abatement: If a wind energy conversion system or systems are not maintained in operational condition for a period of one year and pose a potential safety hazard, the owner or operator shall take action to remedy the situation.

1) If the Township determines that the WECS has been abandoned and poses a safety hazard, the system shall be removed within 45 days of written notice to the owner or operator of the system.
2) The Zoning Officer may cause the owner to remove WECS, including all appurtenances thereto, if the facility fails to generate power for one year or more.

n. Liability insurance: The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. Said policy shall provide a minimum of $300,000 property and personal liability coverage.

o. Lighting of tower: Lighting of the tower for aircraft and helicopter will conform to FAA standards for wattage and color.

p. Maximum number: The maximum number of WECS towers is as follows:

1) The maximum number of residential WECS towers per lot or on contiguous lots held in common ownership is one (1).
2) The maximum number of commercial WECS towers per lot shall be one (1) for every five (5) acres.

5.32 SOLAR ENERGY SYSTEMS – LEGISLATIVE INTENT AND AUTHORITY

With the knowledge of a currently proposed upgrade to the 115kV power transmission line through Cherrytree Township, along with aggressive interests for new solar power generation and battery energy storage system capacity, Cherrytree Township anticipates an increase in the proposals for solar energy and battery energy storage facilities of all sizes within the Township. Cherrytree Township desires to amend its zoning law to further align solar energy provisions with the goals and objectives set forth in:

a) The Comprehensive Plan for Cherrytree Township, adopted March 3, 1997, particularly as set forth in the "Overall Goals of the Cherrytree Township Comprehensive Plan", page iii.;

b) The Venango County Natural Heritage Inventory, (VCNHI), a resolution (#21-41) adopted by Cherrytree Township on January 4, 2021, and;

c) The Federally recognized Oil Region National Heritage Area (ORNHA) that was reauthorized by the 115th Congress (H.R. 642) and is the 25th of only 49 National Heritage Areas in the country (Appendix A and Appendix B).

d) Pennsylvania Municipalities Planning Code (Pa MPC) Act of July 31, 1968. Subsequent Amendments of December 21, 1988 No. 170.

The modifications to the law set out herein support the Commonwealth energy policy by promoting appropriate solar development while further protecting existing community character, valuable farmland, exceptional tourism, historical attractions, and local resources. The enactment of this law also clearly demonstrates Cherrytree Township's intent for the sitting bodies to strictly apply all substantive provisions in the Cherrytree Township Zoning Law.

This Solar Energy Law is adopted pursuant to the Pa MPC.

5.33 SOLAR ENERGY LAW - PURPOSE

This Solar Energy Law is adopted to advance and protect the public health, safety, and welfare of the citizens of Cherrytree Township, Venango County, PA., by creating regulations for the installation and use of Solar Energy Systems (SES) and equipment, with the following objectives:

a) To create harmony between the private landowners of Cherrytree Township and possible incoming Solar Energy Companies that are looking to develop within the Cherrytree Township boundaries;

b) To maintain the rural character of the township while protecting historic values and a natural style of life, retaining active farm production, developing new business, and keeping Cherrytree Township an affordable place to live;

c) To preserve the agricultural base of land and farm operations, coinciding with Section J.2, page 13 " Land Use Development and Natural Resources" of the Comprehensive Plan which states, in part, "The preservation of agricultural areas and open space is a current community goal which has been established by the public opinion survey", and most recently reinforced by the signatures of approximately one hundred eighty-seven (187) current citizens asking for the Cherrytree Township Supervisors to extend a moratorium pausing the granting of building permits to Solar Companies;

d) To mitigate the impacts of Principal Solar Energy Systems (PSES) on environmental resources such as important agricultural lands, forests, wildlife, waterways, and other protected resources;

e) To encourage a sense of pride in Cherrytree Township and allow residents, farms, businesses, and possibly the local government to take advantage of the potential financial benefits of Solar Energy Systems, and;

f) To diversify personal and community energy resources by allowing the freedom to install Accessory Solar Energy Systems (ASES) to help reduce energy costs.

5.34 ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

(1) <u>Regulations Applicable to All Accessory Solar Energy Systems (ASES)</u>:

a. ASES that have a maximum power rating of not more than 30kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating more than 30kW shall comply with the requirements of Section 5.35 Principal Solar Energy Systems (PSES).

b. At least 90% (ninety percent) of the Solar Energy must be consumed by the property where captured. Up to 10% (ten percent) of the Solar Energy captured may be sold to a public utility company. The initial design for the system will be based off the previous three (3) years electrical usage as verified by a consumer's monthly or yearly electric bill. For new home construction, the overall size of the structure will be considered and compared with the National Electrical Usage chart for comparable sized structures.

c. Exemptions: (1) ASES with an aggregate collection and/or focusing area of one hundred (100) square feet or less are exempt from Section 5.34 Accessory Solar Energy Systems (ASES). (2) ASES constructed prior to the effective date of this section shall not be required to meet the terms and conditions of this ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this ordinance. Routine maintenance or like-kind replacements do not require a permit.

d. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry and regulatory standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronic Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations; and shall comply with the PA Uniform Construction Code as applicable; and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the Application. All persons engaged in the installation of such systems must be able to demonstrate that they have the training, experience, certifications, and qualifications to install the Solar Energy System (SES) in accordance with all applicable industry specifications and regulatory requirements. For residential Applications, the installer must be a registered home improvement contractor with the Attorney General's office. Upon completion of installation, the ASES shall be maintained in good working order in accordance with applicable standards and regulations.

e. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent feasible.

f. The owner of an ASES shall provide Cherrytree Township with written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

g. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

h. All ASES shall be designed and installed to prevent and eliminate glare onto nearby structures and roadways, and to prevent and eliminate glare from having a substantial adverse impact on neighboring or adjacent uses.

i. All Solar Energy Systems (SES) shall be designed and located to ensure solar access without reliance on and/or interference from or with adjacent properties unless access agreements or easements are obtained from the owner

of the adjacent property. Documentation of such agreements or easements shall be provided to the Township.

j. Decommissioning. Each ASES and all solar related equipment shall be removed from the property on which it was located within six (6) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same. Such equipment and facilities must be disposed of in accord with all applicable regulations. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of six (6) continuous months. The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

k. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

(2) Permit Requirements (ASES)

Zoning/building permit Applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.

(3) Location Guidelines

a. Roof-Mounted and Wall-Mounted ASES:

1) A roof-mounted or wall-mounted ASES may be located on a principal or accessory building.

2) For roof-mounted systems on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached as allowed by setbacks.

3) For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district's height limit up to six (6) feet above the rooftop to which it is attached. An exception for review would be a system installed on a flat roof within the Airport zone (A/P) because of flight/height/glare restrictions.

4) All ASES roof-mounted Photovoltaic (PV) installations shall include a 36-inch-wide pathway maintained along 3 sides of the solar roof to allow for firefighter safety and possible roof ventilation practices. The bottom edge of a roof that exceeds 2:12 shall not be used as a pathway. All pathways shall be located over a structurally supported area and measured from edge of the roof and horizontal ridge to the solar array or any portion thereof. (See Appendix C for diagram)

5) For roof and wall-mounted systems, the Applicant shall provide evidence that the plans comply with the PA Uniform Construction Code and that the roof or wall can hold the load imposed on the structure.

6) Wall-mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

b. <u>Ground-Mounted Accessory Solar Energy Systems ASES</u>):

1) **<u>Setbacks</u>**. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setbacks in the zoning district. A ground-mounted ASES shall not be located in the front yard.

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2) **<u>Height</u>**. Ground-mounted ASES shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.

3) **<u>Coverage</u>**. The surface area of the arrays of a ground-mounted ASES, regardless of the mounted angle of any Solar Panels, shall be calculated in the lot coverage of the lot on which the system is located. The total surface area of the arrays of ground-mounted ASES on the property shall not exceed one thousand (1000) square feet, unless written approval upon review by the Zoning Enforcement Officer.

4) **<u>Stormwater Management</u>.** The applicant shall comply with the Cherrytree Township Stormwater Management Ordinance and all other governmental regulations relating to stormwater management.

5) **<u>Screening</u>.** Ground-mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of native perennial vegetation which provides a visual screen. In lieu

of planting a screen, a decorative fence meeting requirements of the Zoning Ordinance may be used.

6) **Signage.** 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.

7) **Ground-Mounted ASES** shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

5.35 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

(1) **Regulations Applicable to All Principal Solar Energy Systems (PSES)**:

a. **Zoning:** PSES shall be permitted in either the Commercial/Light Industrial (C/I) or Rural Agricultural (R/A) zoning districts after applying for a Conditional Use to create a Commercial Solar Zone (CSZ) and subject to determination of eligibility based on soil sample analysis. If approved, the Conditional Use will grant the PSES status as a CSZ, subject to meeting all the requirements listed in the description of a CSZ (Section 3.01 Definitions). A PSES will not be permitted in Rural Residential (R/R), Airport (A/P), R/A zones listed as Agricultural/Conservation areas, as noted in the Comprehensive Plan Map 10, page 1-61B, historic zones, or on lands containing "Prime Farmland".

Note: A PSES cannot be used as an accessory use for commercial or industrial activity on another property other than the original location first applied for.

b. **Project Narrative Overview:** An Application (Appendix J) for a PSES shall include a project narrative overview that describes:

1) The complete project

2) The lands on which the project will be located

3) The planned layout of the Solar Energy System (SES) to be installed

4) The number and representative types and heights of solar arrays and energy facilities to be installed, including their:

a) dimensions
b) generating capacity
c) respective manufacturers
d) description of any ancillary facilities

5) The identity and qualifications of the persons designing the system and plans for the construction of the facility

6) It shall also include evidence of an agreement between the property owner and the solar energy facility owner or operator that establishes the solar energy owner /operators' rights to construct and operate a Solar Energy System (SES) on the property.

(2) PSES Permit Requirements:

a. The PSES layout, design, installation and maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, and with all other applicable fire and life safety requirements.

b. Permit Requirements. PSES shall also comply with the Venango County Subdivision and Land Development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations of Venango County, Cherrytree Township, the Commonwealth of Pennsylvania, and all Federal permitting requirements.

c. All persons engaged in the installation of such systems must be able to demonstrate that they have the training, experience, certifications, and qualifications to install the Solar Energy System in accord with all applicable industry specifications and regulatory requirements.

(3) Studies and Notifications:

Requirements listed within this amended Ordinance for siting and construction of all PSES will necessitate the cross-referencing and use of multiple laws, ordinances, regulations, and statutes of local, State and Federal provisions, as well as these additional requirements. Wherever this Ordinance conflicts with any other law, statute, regulation or ordinance, the stricter standard shall be utilized and included in the siting and constructing of said PSES.

The following studies and notifications will be required during the Application process and must be paid for by the Solar Company either during the Application or the permitting process. All fees must be paid in their entirety before construction commences. The notifications will include both the original request and the reply from the said agency. (Using an online site such as the "PA. Natural Diversity Index" will not suffice)

a. Stormwater Management Plan

b. PA Fish and Wildlife impact study

c. PA Game Commission impact study

d. Soil samples for a baseline of the original condition of the property. Samples will be collected from 1-acre parcels throughout the entire project area. Soil samples will also be used to determine the eligibility for permitting in a specific area. Residential or commercial sites located within fifteen hundred (1500) feet "downstream" or "downhill" from a projected PSES site will also be required to have soil samples taken to provide for a baseline of those properties, in the event that a future problem arises in contamination or disturbance in original soils from the proposed PSES site.

e. Well water samples of all residential and other commercial facilities (prior to water purification systems) within fifteen hundred (1500) feet of the planned PSES site for a baseline.

f. PA Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers joint permit

g. PA Department of Conservation & Natural Resources (DCNR)

h. Venango County National Heritage Inventory impact study

i. Federal Aviation Administration (FAA): Appendix D attached

j. Northeast Bald Eagle Project Screening Form: Appendix E attached

k. Venango County Planning Commission approval

l. Bonding of roadways must be provided before permit issued per standard Township practices.

m. The owner of a PSES shall provide written confirmation that the public utility company has been notified of the owner/operator's intent to install a grid connected system and the public utility company's response if any.

n. Current certificates of insurance for all contractors, owners, etc. shall be provided and submitted to the Zoning Officer before construction begins.

o. Others as may be required.

(4) PSES Site Plan:

a. Conceptual vs. Actual:

The Solar Company must complete a site plan application to receive a permit to construct. A "conceptual plan" can be used for initial design and ascertaining the scope of the project for budgetary purposes, but once the plan moves to the permitting phase, then the "conceptual plan" must become "actual" with all details fully laid out and dimensionally accurate. The site plan must include the following information, in addition to any other information required by the zoning law:

1) Projected date to begin construction as well as an estimated completion date

2) Property lines and physical features, including roads for the project site (Appendix F)

3) 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 agreements or easements are obtained from the owner of the adjacent property. Documentation of such agreements or easements shall be provided to the Township.

4) Proposed changes to the landscape of the site, grading, vegetative clearing and planting, exterior lighting and screening vegetation or structures (Appendix G)

5) An electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electric Code (NEC) compliant disconnects and over current devices.

6) A preliminary equipment specification sheet that documents all proposed Solar Panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit. Included with the specifications shall be a country-of-origin certification on all components, showing where each component is manufactured, not assembled,

along with approved SDS (Safety Data Sheets) specifying the properties and components of the PV cells and any other products or chemicals being utilized, whether permanently or temporarily on the site. Stored products on-site requiring SDS sheets will need to have a binder with said SDS information supplied to the Cherrytree Township VFD for reference as well as one stored on location for emergency and maintenance use. Cherrytree Township reserves the right, during the review process, to disallow any products that would/could present a potential hazard from contamination into soils, waterways or the environment. While reviewing the "origin of products" or the SDS sheets/information, if hazardous products, chemicals, or other items are listed and contained within said products, Cherrytree Township or their appointed official(s) shall ask the Solar Company to provide an alternative product that mitigates the potential hazardous situation/ingredient(s).

b. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

(5) <u>Contact Information</u>:

a. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted, along with proof of insurance, prior to the issuance of a building permit.

b. Name, address, and contact information of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the PSES.

(6) <u>Property Operation and Maintenance Plan</u>:

a. Such plan shall describe continuing PV maintenance and property upkeep, such as mowing and trimming. No chemical herbicides are permitted. Plan shall also include the contact information of the maintenance personnel and be updated with new information as the need arises.

b. The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the operational lifespan of the PSES in a manner consistent with industry and regulatory standards as needed to keep the PSES in good repair and operating condition.

c. If an individual ground-mounted PSES is removed, any earth disturbance resulting from the removal must be graded, topsoil replaced and reseeded.

(7) Construction Specifics: Highlights, But Not Limited To:

a. All in-ground panel support posts must be drilled and filled with concrete. No "pile-driving" of support posts, whether for Solar Panels, fencing, or for facilities/building footings, will be permitted.

b. Panels must have components listed and SDS sheets supplied and available for inspection.

c. **Height:**

Ground-mounted PSES shall not exceed fifteen (15) feet in height.

d. Tree Cutting:

Solar Panels shall be located no closer than fifty (50) feet to trees. No more than 5% (five percent) of all existing forested land on any given parcel shall be cleared to host a Solar Energy System by the Solar Company or landowner in preparation of the project.

e. Blasting:

All types of blasting is prohibited at all stages of construction.

f. Project Construction Hours:

Pre, post and during construction working hours shall be limited to Monday through Friday between the hours of 8 AM and 6 PM and Saturday between the hours of 9 AM and 4 PM, Eastern Standard Time, to ensure the quiet rural characteristics of the Township.

g. Buried Lines:

All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

h. Setbacks:

PSES shall be setback (a) a minimum of one hundred fifty (150) feet from any "side yard" of the property line of an adjoining parcel on which a residential building is located, and (b) a minimum of three hundred (300) feet from the designated "front yard" of a residential building located on an adjoining parcel, and (c) a minimum of fifty (50) feet from any right of way or public road and (d)

a minimum of (50) feet from any other property line. Fencing, visual buffers and emergency access roads may be located within the setback areas.

(8) **<u>Additional Requirements for Screening and Fencing Visual Buffers. Coincides With Current Section 5.25 Requirements</u>:**

a. The entire perimeter must be enclosed with a seven (7) feet tall chain-link fence per the NEC. Any barbed, electrical, or razor wire on top of the chain-link fence will be at the sole discretion of the Solar Company alone.

b. Locked access gates shall be at all road entrances.

c. Solar Panels that will be adjacent to residential areas will need to have an additional fifty (50) feet wide "natural" buffer on the outside of the chain-link fence. This can be a natural mound-buffer of native vegetation planted earth berms and/or decorative fencing that provides a reasonable visual and lighting screen to reduce the view of the PSES from residential dwellings, or in lieu of the mound-buffer, can be two (2) alternate rows of native "evergreen" trees that will provide year-round coverage of the facility behind the fencing.

d. All natural buffers must be maintained throughout the leased lifespan of the site and diseased or dead plants must be replaced as soon as reasonably possible.

e. Decorative fencing must be maintained and kept well preserved. Access gates will be locked with a master key provided to both the Cherrytree Township VFD and the Titusville FD for emergency access.

f. PSES that have been properly permitted to construct on CSZ lands shall be required to seed up to 75% (seventy-five percent) of all areas within the perimeter fencing suitable for seeding with native perennial vegetation.

g. 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.

h. All PSES shall be designed and installed to prevent and eliminate glare onto nearby structures and roadways, and to prevent and eliminate glare from having a substantial adverse impact on neighboring or adjacent uses. An Application must describe how this requirement will be met.

(9) **<u>Emergency Access and Requirements</u>**:

a. Emergency vehicles may need access from time-to-time to both the interior and exterior of the site. All interior and exterior access roads must be maintained and

passable for year-round use.

b. The access gates to the interior of the site will need to be a minimum of twelve (12) feet wide with roadways at least sixteen (16) feet wide and able to support sixty thousand (60,000) pound vehicular traffic.

c. A smooth, hard gravel or paved perimeter access road of at least sixteen (16) feet wide will need to be provided around the entire site with the ability to support sixty thousand (60,000) pound vehicular traffic.

d. Interior hard surfaced roadways between arrays will also need to be a minimum of sixteen (16) feet wide and able to handle a sixty thousand (60,000) pound vehicle.

e. There will also need to be a storage building on-site that contains enough foam additive to support a structural fire emergency should one arise. This foam will need to be periodically checked and replenished if either used or expired. This minimally heated building will need to be clearly marked to identify to responding units where the foam is located.

f. PSES over one hundred (100) acres will require one (1) or more water towers to be built and maintained on-site to provide adequate water for initial fire suppression services. This could be an in-ground tank as well. The water capacity of the tower or in-ground tank must be a minimum of seven thousand (7000) gallons, to be maintained year round. One seven thousand (7,000) gallon system will be required for each one hundred (100) acres of project size.

g. Initial training for responding fire departments will be required for all personnel that would be called upon to engage an emergency of the site, with yearly refresher training to maintain safety compliance. This training will be paid for and provided by the Solar Company.

h. Any specialized equipment and/or gear will need to be provided to the Cherrytree Township VFD or kept on-site in the storage building or fire department building and paid for and provided by the Solar Company.

i. Any specialized equipment and/or gear needed by a local hospital in the event of an emergency at the site must be provided to the local hospital in advance of the PSES becoming operational. This equipment will be paid for and provided by the Solar Company.

(10) <u>Total Land Usage Within Cherrytree Township</u>:

a. Minimum PSES lot size: twenty (20) acres.

b. The total available land for use as potential PSES has been determined to equate to one thousand (1000) aggregate acres. That determination is based upon the

authority granted to Cherrytree Township to make laws, ordinances, and resolutions established in the Commonwealth of Pennsylvania, Second Class Township Code, and based on the recommendations of the Comprehensive Plan adopted on March 3, 1997 that authorizes the government protection, order, conduct, safety, health, and well-being of the citizens of Cherrytree Township, and recommendations from the citizens group encouraging restraint to maintain farmland, historic antiquity, the rural character, and tourism aspects of the community.

Land Division Example:

Available land within the Township would be divided according to a first come, first serve basis. An example to provide clarity or review is listed:

Example: This is assuming all example companies have applied properly and have been accepted:

Company "A" requests and receives approval for a 200-acre project.

Company "B" requests and receives approval for a 75-acre project.

Companies "C&D" request & receive approval for 350-acre projects (700 acres total).

Companies "A-D" land request equals 975 acres of a possible 1000 acres.

Company "E" requests a project site of 130 acres… they will only be allowed to build on a 25-acre site and the balance of 105 acres requested will be on hold until one of the other companies either fails to complete their project or their lease runs full-term and does not renew. Then Company "E" would be allowed to expand their project to include up to their original stated requested amount of land if that amount of land was available.

To Be Noted: The total amount of land considered for a particular PSES includes ALL leased land for that project. Typically, a Solar Company will lease additional land from property owners, knowing that the "usable land" (land that does not contain riparian or wet-land zones, for instance) might only be a portion of the available lease. One illustration, Company "A" needed to lease 200 acres of land to install a

PSES that only covered 165 acres of "usable land" because of other, on-site mitigating circumstances (tributaries, trout streams and riparian zones, etc.)

c. <u>Prime Farmland and Soils of Statewide Importance</u>:

1) PSES located on permitted "Soils of Statewide Importance" shall be constructed in accordance with the guidelines of the Commonwealth of PA and the Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Energy Projects, per approval from the Zoning Hearing Board, as required

2) PSES shall not result in conversion of more than 10% (ten percent) of all "Soils of Statewide Importance" in Cherrytree Township. Converted farmland includes both "Soils of Statewide Importance" inside any perimeter fencing associated with PSES facilities, and any adjacent "Soils of Statewide Importance" that have been consumed by leasing of "unusable" land (wetlands, riparian zones, etc.) for a particular PSES. A "farmland" conversion is defined by Section 301(8) of the Agricultural and Markets Law.

3) In the Rural Agricultural (R/A) zoning district, no more than 50% (fifty percent) of the entire area for development shall consist of Class I and Class II prime agricultural soils.

4) No properties containing soils classified in the category "Prime Farmland" will be permitted for use as PSES operations.

(11) <u>Decommissioning/Abandonment</u>:

a. 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 six (6) continuous months. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property, then restore the land to the original state of said property per the signed decommissioning/abandonment agreement**.** If the owner fails to dismantle and remove all related equipment within the project site, and restore the land within the established time frames, the Township may complete the decommissioning at the owner's expense. After a six (6) month period of inactivity as detailed above, a certified letter will be sent to the owner and a response will be required, within fifteen (15) days, notifying the Township of the current intentions of the company. If no response is received within the fifteen (15) days, then the bond will be activated, and decommissioning will commence. All additional costs

involved in the removal, disposal of solar equipment, buildings, hazard-related equipment, or materials, and returning the land to original condition or other related expenses not covered by the bond will be charged back to the Solar Company, their partners, or the landowner per the decommissioning agreement. Notwithstanding the forgoing, any PSES or any associated battery storage system sited in Cherrytree Township shall not have its decommissioning/abandonment bond reduced by the salvage value of the facility or project components. If Cherrytree Township is tasked with the disposal of the decommissioned/abandoned property and contents, then Cherrytree Township is entitled to all monies, valuables or other compensation from the sale or reclamation of said parcel.

b. Decommissioning and/or abandonment plan must be signed and filed with the Township at time of Application. Sample Appendix H attached.

c. Acceptance of a permit to construct signifies acceptance of these terms of Section 11.

(12) <u>Required Standards for Ground-Mounted PSES</u>:

a. <u>Impervious Coverage</u>

1) The surface area of the arrays of a ground-mounted PSES, regardless of the mounted angle of any Solar Panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

2) PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for stormwater management.

b. <u>Groundwater and Drainage Considerations</u>:

All groundwater contained in stormwater ponds and containment sites as well as from the lowest drainage area of the site must be tested quarterly in the first year of new construction and after any major solar array replacements. Years two (2) and forward will require water sample tests yearly for compliance to determine whether there are any contaminants or substances that might be hazardous to the public health and safety. Cherrytree Township must be notified in advance of the tests and the results of these tests must be provided to the Township to be kept on file. Cherrytree Township reserves the right to conduct its own periodic tests, the results which will be shared with the Solar Company. Any variances from the initial baseline tests will be discussed with the Solar Company and a determination to remediate the differences will be undertaken. Township costs associated with testing will be retained from the initial deposit.

c. Security:

All ground-mounted PSES shall:

1) Be completely enclosed by a minimum seven (7) feet high fence per the NEC. Barbed, electrified or razor wire tops will be at the sole discretion of the Solar Company and not Cherrytree Township.

2) Have a self-locking pedestrian gate.

3) Have a minimum twelve (12) feet wide locked vehicular access gate at all road entrances.

4) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the surrounding fence of the PSES informing individuals of potential voltage hazards.

d. Access:

1) At a minimum, a sixteen (16) feet wide access road must be provided from a state or township roadway into the site.

2) At a minimum, a sixteen (16) feet wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. At no point shall the design of the solar arrays be larger than two-hundred (200) feet x two-hundred (200) feet allowing for emergency vehicle access and staging of equipment. Cartway width is the distance between the edge of a Solar Panel to the edge of the Solar Panel directly across from it when the panels are in a flat position (parallel to the ground). Appendix F attached

e. Lighting:

The ground-mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

(13) PSES Administrative Requirements:

a. The owner of the Solar Energy facility shall provide the Township with the name, address, phone number, email address and any other information needed in order to contact the owner or operator regarding any emergency or security issue, or complaint or concerns regarding conditions of the facility. The Township shall be

notified immediately of any change in the contact person or the means of contacting that person.

b. The Township must be informed of any change in ownership or operation of the facility within twenty (20) days of the change.

c. The Township must be provided with a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars ($1,000,000.00) per occurrence and property damage coverage in the minimum amount of one million dollars ($1,000,000.00) per occurrence covering the Solar Energy System. The owner or operator must notify the Township of any changes in insurance coverage within thirty (30) days of such change and provide proof of such insurance when requested.

d. At the time of issuance of the permit for the construction of the PSES, the owner shall provide an irrevocable bond to the Township in the amount of 15% (fifteen percent) of the projected cost of the project, subject to a final audit of actual costs, at which time the bond may be adjusted, to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, based on the initial baseline analysis taken during the Application process and recorded with the landowner and Township. This restoration would include, but is not be limited to, soil remediation, forestry plantings, grasses, and vegetation of the original type unless a signed letter is received from the landowner stating that they would like the land to be used for another opportunity. The bond will be reviewed every 18 (eighteen) months for valuation purposes and adjusted at that time to meet any increased potential costs associated with decommissioning. Such increased costs will need to be covered by additional bonds to assure complete disassembly requirements are met.

(14) **<u>Application</u>:**

An Application for a permit to construct a solar PSES project will need filled out in totality (Appendix J). Included in the Application process will be upfront fees and costs which must be paid in advance. An "estimated" cost of a completed project based on a "conceptual plan" can be used for a basis, but once the final plans are presented to Venango County Planning and Cherrytree Township for review, then an "actual working" plan needs to be presented and finalization of all aspects must be included (setbacks, surveys, impact studies, notifications, and sampling, etc.) before a permit to construct will be issued.

5.36 INSPECTIONS AND FEES FOR BOTH ACCESSORY SOLAR ENERGY SYSTEMS (ASES) AND PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

(1) Inspections:

The Zoning Enforcement Officer or his or her duly authorized assistant or authorized agents shall have the authority to cause any plans, structures, lots, or system components to be inspected, examined, or reviewed for any ASES or PSES, to determine whether or not they are in conformity with the provisions of this law.

(2) SES Fees and Reimbursements:

a. The Applicant shall reimburse Cherrytree Township for any fee or expense incurred in hiring subject matter experts and attorneys to review siting issues for proposed SES.

b. Initial 1% (One Percent) Deposit:

The Applicant for either an ASES or PSES siting approval shall deliver to the Cherrytree Township Secretary, along with its Application and other required fees, an amount equal to 1% (one percent) of the estimated cost of the project (an Initial Deposit). This sum shall be held by Cherrytree Township in a non-interest-bearing account, and these funds shall be available to the Township to pay consultants and attorneys by or to assist in the application review process. Following the approval or denial of the application, Cherrytree Township shall return to the Applicant any excess funds remaining in this account. If the deposit account has been depleted prior to the approval or denial of the Application, the Applicant shall deposit such funds necessary for Cherrytree Township to pay any outstanding fees to said consultant.

ARTICLE VI

ADMINISTRATION, ENFORCEMENT AND PROCEDURES

This Article establishes the procedures and framework necessary for the enforcement and administration of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code.

6.00 – Zoning Officer

(1) Appointment - The Zoning Officer shall be appointed by the Board of Supervisors to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office within the Municipality. No building, structure or sign shall be erected, constructed, moved, added to, or structurally altered, nor shall land be put to any use without a permit issued by the Zoning Officer for that purpose.

(2) Legal Framework – The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance. He/She shall not issue a zoning permit in connection with any contemplated erection, construction, alterations, repair, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Ordinance, with all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania.

(3) Duties and Powers of the Zoning Officer - It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance and amendments. He/she shall have such other duties and powers as are conferred upon him/her by this Ordinance or as are reasonably implied for that purpose, or as may be, from time to time, conferred upon him by the Board of Supervisors. The Zoning Officer's powers and duties shall include but are not limited to the following:

A. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.

B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and the action taken consequent to each such complaint. All such records shall be open and available for public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained in hard copy as long as they remain in existence.

C. At his/her discretion examine, or cause to be examined, all buildings, structures, signs, and/or land or portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, and/or use before issuing any permit, and otherwise as required to fulfill her/his duties. Thereafter, he/she may make such inspections during the completion of work for which a permit has been issued. Upon completion of the building, structure, sign

and/or change, a final inspection shall be made and all violations of the approved plans or zoning permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies. He/she shall have the power to enter any building or structure or enter upon any land at any reasonable hour in the course of his/her duties. Should such access be prevented by any property owner, lessee or other person, he/she shall have the authority, with the approval of the Board of Supervisors, to obtain a search warrant for said property.

D. Issue permits for special exception uses, conditional uses and/or variances only after such uses and/or buildings have been approved in writing by either the Zoning Hearing Board, in the case of special exceptions and/or variances, and the Board of Supervisors in the case of conditional uses.

E. Maintain responsibility for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.

F. Issue certificates of Zoning Compliance in accordance with the provisions of this Ordinance.

G. Investigate alleged violations and address violations to this Ordinance.

H. Prepare and submit annual reports, as required in this Ordinance, to the Planning Commission and Board of Supervisors.

I. Identify and register nonconforming uses and structures created as a result of the adoption of this Ordinance or created as a result of amendments thereto.

J. Any other such duties as directed by Board of Supervisors.

6.01 – Administration and Administrative Procedures

(1) Applicability of Ordinance - No permit shall be issued except in conformity with the provisions of this Ordinance, or upon written order from the Zoning Hearing Board in the form of a special exception or variance, or upon written order from the Board of Supervisors in the form of a conditional use, or as otherwise provided for by this Ordinance, any applicable laws or any Court of competent jurisdiction.

(2) Requirement for Permit - It shall be unlawful to commence the excavation for or the construction or alteration of any buildings, until the Zoning Officer has issued a zoning permit for such work. A zoning permit shall be required for all construction or alterations. No zoning permit shall be required for repairs to or maintenance of any building, structure or grounds provided such repairs do not change the use or otherwise violate the provisions of this Ordinance. All applications shall be made in writing and shall be accompanied by all applicable fees and two (2) sets of plans showing, at a

minimum, the following information to be considered as a complete application, if applicable:

A. Actual dimensions and shape of the lot to be used.

B. The exact size and location on the lot of buildings, structures, or signs existing and/or proposed, including any extensions thereto.

C. The number of dwelling units.

D. A parking plan, indicating the number, size and location of all off-street parking spaces and/or required loading areas for the specific use(s).

E. Statement indicating any existing or proposed use(s).

F. Height of any structure, building or sign existing or proposed.

G. Statement indicating the provider of essential services such as water supply, sewage disposal, electrical service, natural gas service, etc.

H. The Name, Address and Telephone Number of the Property Owner, the Applicant (if different from the owner), and the estimated value of any proposed improvements.

I. Any other information deemed necessary by the Zoning Officer in order to determine compliance with this and any other applicable Ordinances.

(3) Action by Zoning Officer - One (1) copy of the submitted development plans and associated information shall be returned to the applicant by the Zoning Officer after he/she shall have made a determination of compliance with the provisions of this Ordinance and other applicable Ordinances.

A. Said plans shall be either marked approved or disapproved, and shall be attested to it by the signature of the Zoning Officer.

B. Plans that are marked approved shall be returned with a Permit, and shall note any conditions of approval.

C. Plans that are marked disapproved shall be accompanied by a written statement of the deficiencies of said plans.

(4) Review Period - All applications shall be reviewed and marked for approval or disapproval within thirty (30) days from the date of submission of a complete application.

(5) Disapproval Procedure - All applications marked for disapproval shall be accompanied by a letter informing the applicant of the applicable ordinance sections and requirements

that were used to deny the plans, the applicant's rights for appeal and a copy of the hearing application.

(6) Forms - Applications for a permit shall be submitted in such form as the Zoning Officer may prescribe.

(7) Effective Period - Zoning permit(s) shall be valid for a period of one hundred eighty (180) days from the date of issuance if work described in the permit has not begun. If work described in any zoning permit has begun within the one-hundred-eighty-(180)-day period, said permit shall expire two (2) years from the date of issuance.

A. Extension for Permits with No Work Started - If work has not been initiated within the initial one-hundred-eighty (180) days, the applicant may apply for one (1) additional extension of the one-hundred-eighty (180) days.

1. Commencement of the work and the start of construction shall mean the pouring of footers or the construction of a permanent foundation.

2. If work has not commenced by the end of the extension period, the permit shall be deemed expired and the applicant must submit a new zoning permit application and pay all applicable fees, following current zoning ordinances.

B. Work not completed - If work is initiated and construction is started, but not completed within the timeframes noted above, continuation of the work approved in the original application may only occur after payment of additional application costs as per Section 6.06.

C. Work Initiated Without Permit - Work initiated prior to the issuance of a zoning permit will be subject to fees double those outlined in Section 6.06.

(8) Zoning Compliance - A Certificate of Zoning Compliance shall be required upon the completion of any work permitted under this Ordinance. It shall be unlawful to use and/or occupy any structure, building and/or land or portions thereof in any manner until such Certificate of Zoning Compliance has been issued.

A. The application for Certificate of Zoning Compliance shall be submitted in such form as the Zoning Officer may prescribe when all construction and related activities are complete.

B. The Zoning Officer shall inspect any use, structure, building, sign and/or land or portions thereof and shall determine the compliance therewith to the provisions of this Ordinance.

C. Upon determination of compliance with the provisions of this Ordinance and with any conditions listed in the Zoning Permit, he/she shall issue a Certificate of Zoning Compliance.

D. Certificate of Zoning Compliance shall be granted or refused in writing within ten (10) days from the date of application for Certificate of Zoning Compliance. In the event that such Certificate of Zoning Compliance is refused, the reasons for said refusal shall be included in the written notice of refusal.

(9) Performance Standards - In the case of permits for which Performance Standards are imposed, as a condition of approval, no Certificate of Zoning Compliance shall become permanent until thirty (30) days after the use is fully operating and upon re-inspection by the Zoning Officer to determine compliance with all Performance Standards.

A. The applicant shall submit documentation of compliance with all relevant Performance Standards as requested by the Zoning Officer.

B. In the event that the required Performance Standards are not met within ninety (90) days after the start of operation of said use, the Certificate of Zoning Compliance shall be withdrawn and the use shall be ordered to cease and desist operations until such time as the compliance with the Performance Standards can be determined by the Zoning Officer.

(10) Exemptions - This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience and welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of such hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

6.02 - Enforcement

(1) Notice - The Zoning Officer shall serve written notice of violation upon any person, firm, corporation or partnership deemed responsible for violating any of the provisions of this Ordinance, or in violation of any detailed statement or plan approved thereunder. Such written notice shall be served personally or by certified mail, indicating the nature of the violation and ordering the action necessary to correct same. Such notice shall contain, at a minimum, the following information:

A. The party deemed responsible for the violation, and the name of the owner of record of the property in question.

B. The date and location of the violation,

C. The specific section of this Ordinance that has been violated.

D. The specific action required to correct such violation.

E. The time period within which such violation shall be corrected.

F. The penalties that could be assessed for such violation.

G. The right of the party to appeal the decision of the Zoning Officer, and the procedures to be followed to file such appeal.

H. The signature of the Zoning Officer.

(2) Noncompliance - Should such notice of violation not be complied with within the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land involved in said violation. The Zoning Officer shall also file a report of said noncompliance with the Board of Supervisors, and upon authorization from the Board of Supervisors, shall initiate legal action, in accordance with the provisions of Subsection 6.02 (3) of this Ordinance.

A. Causes of Action - In case any building, structure, landscaping or land is erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors shall have the power to authorize the Zoning Officer or Township Solicitor to initiate any appropriate action or proceeding to prevent, restrain, correct or abate such violation.

B. When any such action is instituted by the Board of Supervisors, written notice shall be served by the municipality upon the owner or tenant of said property or use in violation.

C. The Zoning Hearing Board shall have initial jurisdiction for proceedings brought under this Section. Any subsequent legal action shall be in accordance with Article X-A of the Pennsylvania Municipalities Planning Code.

(3) Penalties - Any person, partnership or corporation who or that has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding, 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.

A. Each day that a violation continues shall constitute a separate violation, unless the District Magistrate determines that there was a good faith basis for the continuance of the violation, in which case there shall be deemed to have been only one such violation until the fifth day following the date of the determination

of a violation by the District Magistrate and thereafter each day that a violation continues shall constitute a separate violation.

B. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Board of Supervisors the right to commence any action pursuant to this Section.

6.03 – Zoning Hearing Board

(1) Membership - The Board of Supervisors hereby creates a Zoning Hearing Board (ZHB), herein referred to as the ZHB, consisting of three (3) members, and two (2) alternate members, pursuant to Article IX of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, as amended, who shall perform all the duties and have all the powers prescribed by said statute and as herein provided.

(2) Terms and Related - The membership of the ZHB shall consist of three residents of the Township, appointed by the Board of Supervisors. The terms of office shall be three years. One member shall be appointed to serve until the first day of January of the year following the adoption of this Ordinance; one member until the first day of January of the second year following the adoption of this Ordinance; and one member until the first day of January of the third year following the adoption of this Ordinance.

A. There shall be two alternate members of the ZHB appointed by the Board of Supervisors. The term of office shall be three years. The terms for the alternate members shall coincide with the terms of the members as specified in Section 603.1 above.

1) Alternate members, when seated pursuant to the provisions of Section 906, of Act 246 as amended by Acts 66 and 67 of 2000, (the Pennsylvania Municipalities Planning Code), shall be entitled to participate in all proceedings, and shall have the powers and duties specified in the statute and this Ordinance.
2) Any alternate may participate in any proceeding or discussion of the ZHB but shall not be entitled to vote as a member, nor be entitled to any compensation unless designated as a voting alternate member pursuant to Section 906 of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, as amended

B. Members of the ZHB and alternate members of the ZHB shall hold no other office of the Municipality.

C. Any member or alternate member of the ZHB may be removed for malfeasance, misfeasance or nonfeasance or for other just cause by a majority vote of the Board of Supervisors.

1) A member or alternate member shall receive a minimum of fifteen (15) days advance notice of the intent to take such a vote.
2) A public hearing shall be held, if the member or alternate member requests one in writing.

D. Vacancies shall be filled by appointment by the Board of Supervisors for the unexpired portion of the vacated term.

(3) Compensation - The members of the ZHB shall receive such compensation if and/or as shall be fixed by the Board of Supervisors, by resolution, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(4) Technical Assistance - Within the limits of funds appropriated by the Board of Supervisors, the ZHB may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical or legal staff. The solicitor to the ZHB shall not be the solicitor of the Municipality.

(5) Procedures - The ZHB may make, alter and rescind rules and forms for its procedure, consistent with the Ordinances of the Township and the laws of Pennsylvania.

A. The ZHB shall keep full public records of its business.

B. The records of the ZHB shall be the property of the Township.

C. The ZHB shall submit a report of its activities and any recommendations to the Board of Supervisors as requested by the Board of Supervisors. In addition, the ZHB shall submit an annual report of its activities to the Board of Supervisors.

D. Such rules as may be established by the ZHB shall continue in force and effect, until amended or repealed by the ZHB, by municipal Ordinance or by Federal or State Law.

E. The ZHB shall elect, from its own membership, its officers, who shall serve annual terms as such, and may succeed themselves.

F. Meetings and hearings of the ZHB shall be held at the call of the Chairman and at such other times as the ZHB, by majority vote, may determine.

(6) Hearings - The ZHB shall conduct hearings and make decisions in accordance with the following requirements.

A. For the conduct of any hearing and the taking of any action, a quorum of not less than a majority of the members or voting alternates shall be present. In the event that any member is disqualified, for reason of conflict of interest, his/her place on the hearing panel shall be taken by a voting alternate.

B. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, abutting or adjoining property owners and such other persons as the Board of Supervisors or the ZHB may designate, and to any person who as made a timely request for same. Written notice of said hearing shall be conspicuously posted on the affected tract at least one week prior to the hearing.

1) Public notice shall consist of publication of an advertisement in a newspaper of general circulation in the Township, not more than thirty (30) or less than seven (7) days prior to the hearing.
2) Written notice shall consist of letter signed by the chairman of the Board. Written notice shall be provided a minimum of fifteen (15) days prior to the hearing.

C. Hearings shall be conducted by the ZHB.

1) The hearing shall be commenced within sixty (60) days from the date of the receipt of the applicant's request, unless the applicant has agreed in writing to an extension of time. Any subsequent hearing shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of the presentation of the case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the ZHB shall assure that the applicant receives at least 6 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete the case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on record by the applicant and Municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
2) Fees for hearings shall be established by the Board of Supervisors.
    a) Fees may include compensation for the members and secretary (or court stenographer), notice, advertising costs and administrative costs.
    b) Fees shall not include legal expenses, consultant expenses or expert witness costs.
3) The findings shall be made by the ZHB.
4) The ZHB shall not appoint a member to serve as a hearing officer.
5) The parties to any hearing shall be the Township, the applicant, any person affected by the application who has made timely appearance of record before the ZHB, and any other person including civic or community

organizations permitted to appear by the ZHB. The ZHB shall have the power to require that all persons who wish to be considered parties enter appearances in writing in a form acceptable to the ZHB.

6) The chairman or acting chairman of the ZHB shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant documents and papers, including any witnesses and/or documents requested by the parties.
7) 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.
8) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
9) The ZHB shall keep a stenographic record of the proceedings.
    a) The appearance fee for a stenographer shall be shared equally by the ZHB and the applicant.
    b) The cost of the original transcript shall be paid by the ZHB if the transcript is ordered by the ZHB.
    c) The cost of the transcript shall be paid by any person or party who might appeal from the decision of the ZHB.
    d) Additional copies of the transcript shall be paid by the person requesting such copy.
10) The ZHB shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate.
    a) The ZHB shall not take notice of any communication, reports staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed.
    b) The ZHB shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.
11) The ZHB shall render a written decision, or when no decision is called for, a written finding on the application within forty-five (45) days after the last hearing before the ZHB.
    a) Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.
    b) Conclusions based on the provisions of Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No. 246, as amended), this Ordinance or any other rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
    c) Where the ZHB fails to render the decision within the required forty-five (45) day period, or fails to hold a hearing within the required sixty (60) day period, the decision shall be deemed to have been rendered in

favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

d) In such case when a decision has been rendered in favor of the applicant because of the failure of the ZHB to meet or render a decision as herein provided, the ZHB shall give public notice of said decision within ten (10) days from the last day it could have met to render such decision as provided in this Ordinance. If the ZHB should fail to provide such notice, the applicant may do so.

e) Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12) 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 to him/her not later than the day following its date. To all other persons who have filed their name and address with the ZHB not later than the last day of the hearing, the ZHB shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the time and place at which the full decision or findings may be examined.

(7) Functions of the Zoning Hearing Board - The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of this Ordinance, except that the ZHB shall have no jurisdiction regarding any landowner curative amendments.

B. Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption.

1. Such challenges shall be raised on appeal within thirty (30) days after the effective date of said Ordinance.
2. The ZHB shall immediately notify the Board of Supervisors of such Challenges.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, the registration or refusal to register any nonconforming use, structure or lot, the interpretation of any district boundary line or any other official map.

1. In exercising this power, the ZHB may reverse or affirm, wholly or in part, or may modify, the order, requirement, decision, determination or permit appealed from.
2. Nothing in this Section shall be construed to deny the appellant the right to proceed directly to court, when appropriate, pursuant to the Pennsylvania Rules of Civil Procedure relating to mandamus.

D. Appeals from the decision by the Professional Engineer retained by the Township or the Zoning Officer with reference to the administration of the Township's Floodplain Management Ordinance or Stormwater Management Ordinance.

E. Applications for variances from the terms of this Ordinance pursuant to Article VI of this Ordinance.

F. Applications for special exceptions under this Ordinance pursuant to any special exception criteria established under this Ordinance.

G. Appeals from the determination of the Zoning Officer regarding any performance or density provisions of this Ordinance.

H. Appeals from the determination of the Professional Engineer or Consultant retained by the Township with reference to sedimentation and erosion control plans.

(8) Standards for Variances - The ZHB shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The ZHB shall, by rule, prescribe the form of application and may require the submission of a preliminary application to the Zoning Officer. The ZHB may grant a variance, provided that all the following findings are made where relevant to a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and 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 created by the provisions of this Ordinance in the 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 Ordinance 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 applicant.

D. That the variance if authorized, will not alter the essential character of the neighborhood in which the property is located, nor 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.

(9) Other conditions and safeguards - The ZHB may also grant a variance, provided that all the following findings are made where relevant to a given case:

A. That no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of land, structure or buildings in other districts shall be considered grounds for the granting of any variance.

B. That in no case shall a variance be granted solely for reasons of financial hardship or additional financial gain on the part of the applicant.

C. In granting any variance, the ZHB may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Ordinance.

(10) Standards for Special Exceptions - The ZHB shall have the power to hear and decide only such special exceptions as specifically authorized in Article IV of this Ordinance. All Special Exceptions shall meet the following criteria:

A. Special Exception Uses shall be specifically authorized in the Zoning District, and shall meet any Special Exception Criteria established in Article V.

B. Special Exception Uses shall be found to be consistent with the Community Development Goals and Objectives; the general purposes and intent of the Ordinance.

C. Special Exception Uses shall not adversely affect the character of the district, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood.

D. Special Exception Uses shall be in substantial compliance with County and/or local comprehensive plans.

E. Special Exception Uses shall comply with the Supplemental Regulations contained in Article V.

F. Special Exception Uses requiring a variance from this or any other Ordinance, shall be granted after such time as the variance may be authorized.

G. The ZHB may attach any reasonable conditions and safeguards, as it may deem advisable and appropriate to any Special Exception Permit. Refusal of the applicant to accept such conditions shall result in the revoking of the Special Exception Permit.

H. All applications for Special Exception shall be submitted to the Planning Commission for their review and recommendation. Lack of recommendation by

the Planning Commission shall be deemed as recommended approval of the application.

6.04 - Functions of the Board of Supervisors:

(1) The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

A Applications for conditional use.

B. Applications for curative amendment to this Ordinance.

C. All petitions for amendments to this Ordinance, as well as other ordinances enacted and administered by the Board of Supervisors.

(2) Standards for Conditional Use: The Board of Supervisors shall hold a Public Hearing for all Conditional Uses listed in this Ordinance. In granting any conditional uses, the below listed criteria shall be applied:

A. The presence of nearby similar uses.

B. An adjoining district in which the use is permitted.

C. Compatibility of the Use with the provisions of the County and/or local comprehensive plan.

D. Sufficient lot area to provide effective screening from adjacent residential uses.

E. That the use will not detract from permitted uses in the district.

F. Compliance with relevant requirements in Article V of this Ordinance.

G. Notification of adjoining property owners.

(3) Additional Procedural Matters - The following apply to Conditional Use applications before Board of Supervisors:

A. Should any conditional use require a variance from this or any other Ordinance, said variance shall be authorized prior to the scheduling of a conditional use hearing.

B. The Board of Supervisors may attach such reasonable conditions to a conditional use permit as they may deem appropriate and advisable. Failure of the applicant to agree to said conditions shall result in the immediate revoking of the permit.

C. Should the work authorized under a conditional use permit fail to commence within one hundred eighty (180) days of the issuance of the permit, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned said permit and all such permits shall be automatically rescinded by the Board of Supervisors.

D. All applications for Conditional Use shall be submitted to the Planning Commission for their review and recommendation. Lack of recommendation by the Planning Commission shall be deemed as recommended approval of the application.

E. Where the Board of Supervisors fails to render a decision within the period required by Section 913.2 of the Pennsylvania Municipalities planning Code (i.e. within 45 days after the last hearing), or fails to commence, conduct or complete the required hearing as provided in Section 907 (1.2) of the Pennsylvania Municipalities Planning Code (i.e. hearing is not commenced within 60 days of applicant's request or not completed within 100 days of the completion of the applicant's case-in-chief), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code.

6.05 - Procedures for Hearings: The procedures discussed in this section shall apply to all proceedings before the ZHB and where applicable shall apply to proceedings before the Board of Supervisors.

(1) Enabling Regulation - All hearings shall be held in strict accordance with the procedures contained in Article IX of Act 246 as amended by Acts 66 and 67 of 2000, the Pennsylvania Municipalities Planning Code.

(2) Applications - All appeals and other applications shall be in writing, in a form prescribed by the Board. Such applications shall contain, at a minimum:

A. The specific Ordinance and provision of said Ordinance involved.

B. The interpretation that is claimed for any challenges to the validity of said Ordinance, or

C. The use for which special exception or conditional use is sought, or

D. The details of the variance that is applied for, and the grounds on which it is claimed that the variance shall be granted.

E. All required filing fees as may be established by the Board of Supervisors.

(3) Appeals, General - No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the appropriate municipal officer agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he/she had no notice, knowledge or reason to believe that such approval had been given.

A. If such person has succeeded to his interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.

B. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to Article VI of this Ordinance or from an adverse decision by the Zoning Officer on a challenge to the validity of an Ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No. 246, as amended) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative plan.

(4) Appeal Timeframe - All appeals from determinations adverse to landowners shall be filed by the landowner within thirty (30) days after the determination is issued.

(5) Stay - Upon filing of any proceeding referred to in this Article and during its pendency before the ZHB, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any appropriate agency or bodies certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, that may be granted by the ZHB or by a court of competent jurisdiction on petition, after notice to the Zoning Officer or other appropriate agency or body.

(6) Bonding for Approved Applications - When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the ZHB by persons other than the applicant, the applicant may petition a court of competent jurisdiction to order such persons to post bond as a condition to continuing the proceedings before the Board.

A. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

B. An order denying a petition for bond shall be interlocutory.

C. An order directing the responding party to post a bond shall be interlocutory.

6.06 - Schedule of Fees, Charges and Expenses

(1) Establishment of Fees - The Board of Supervisors shall establish a schedule of fees, charges and expenses and the collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, appeals and any other matters pertaining to this Ordinance.

(2) Schedule and Changes - The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended, by resolution, by the Board of Supervisors.

(3) Payment of Fees - No action shall be taken on any application or appeal until such time as all fees, charges and expenses have been paid in full.

6.07 - Nonconforming Lots, Uses, Structures and Buildings

(1) Statement of Intent - Within the zoning districts established pursuant to this Ordinance or subsequent amendments thereto, there exists or will exist certain nonconformities that, if lawful before this Ordinance was enacted or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendments thereto. In order to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any buildings or structures on which actual construction was lawfully begun prior to the effective date of adoption of amendment to this Ordinance and upon which actual building construction has been diligently carried on.

(2) Nonconforming Lots of Record - Lots of record existing at the date of adoption or amendment of this Ordinance that do not conform to the regulations of the Zoning District in which they are located may be used for primary structures or dwellings and customary accessory uses as a Special Exception, and if the buildings are erected according to the following stipulations:

A. The yard requirements for the any such nonconforming lot in a block in which sixty percent (60%) of the land area has been developed and whereon are erected structures shall be the average of the yards for the area that has been developed in said block.

1) These provisions shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
2) A block shall be defined as a tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railroad rights- of-way, waterways or any municipal boundary.

B. If two or more lots, combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this Ordinance or amendment thereto, and if all or part of the lots do not meet the requirements established for lot width and/or area, the land shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and/or area requirements established by this Ordinance, nor shall any division of any parcel be made that creates a lot with width or area below the minimum requirements established in this Ordinance.

(3) Nonconforming Structures or Buildings

A. Structures or buildings that at the effective date of this Ordinance or subsequent amendments thereto that do not conform to the requirements contained therein by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the building or structure, may be continued to be used, maintained and repaired so long as such structure or building remains otherwise lawful, subject to the following provisions:
1) No such nonconforming structure or building may be enlarged or altered in any way that increases its nonconformity.
2) No nonconforming structure or building shall be, for any reason, moved any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
3) Whenever any nonconforming structure or building has been vacated and not marketed for a period of twelve (12) consecutive months, such structure or building shall thereafter not be used except in compliance with the provisions of this Ordinance.

B. Should a nonconforming structure or building be destroyed by fire, flood, wind or other means not of the owner's decision, it shall not be reconstructed in any manner that increases its nonconformity. Reconstruction shall be in full compliance with this Ordinance and all other applicable regulations and initiated within 12 months and completed within 3 years.

C. In cases where two or more uses or principal structures, exclusive of any accessory structures, exist on a single parcel, all such buildings or uses shall comply with all requirements of this Ordinance and subsequent amendments that would normally apply to each building or use if each was on a separate lot. In cases where existing multiple uses and/or primary buildings are non-conforming,

any alterations or modifications shall be in accordance with Article VI of this Ordinance.

(4) Nonconforming Uses

A. Lawful uses of land, structures or buildings that at the effective date of this Ordinance or as a result of subsequent amendments thereto that do not conform to the requirements contained therein may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

1) Any nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A nonconforming use may, by variance, be changed to another nonconforming use provided that the ZHB shall find that the proposed use is equally or more appropriate in the Zoning District in which the property is located than the previously existing nonconforming use.

2) Whenever a nonconforming use of any land, structure or building has been discontinued and/or not marketed for a period of twelve (12) consecutive months such land, structure or building or any portion thereof shall be used only in a manner in full compliance with this Ordinance.

3) Voluntary removal or destruction of the structure or building in which any nonconforming use is located shall eliminate the use of the land upon which the structure or building was erected for such nonconforming use. Destruction for the purpose of this subsection is defined as damage to an extent of seventy-five percent (75%) or more of the market value of said structure or building immediately prior such damage or destruction.

B. A nonconforming use may be extended throughout any part of the existing land, structure or building, or a new extension or addition to a structure or building may be constructed, provided that all such structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the building is located. Total extension of any non conforming use shall not exceed twenty-five (25) percent of the gross floor area of any building or twenty five (25) percent of the gross land area of any outdoor use, occupied by said nonconforming use at the time of the adoption and/or amendment of this Ordinance.

(5) Effect of Special Exception - Any use that is permitted as a Special Exception in any Zoning District under the terms of this Ordinance (other than a change through ZHB action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such a Zoning District, but shall without further action be considered a conforming use.

(6) Registration of Nonconformities - To facilitate the administration of this Ordinance, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all uses and structures in all districts.

A. Uses permitted by right, special exception and/or variance shall be so noted on a permanent record of the subject parcel.

B. All non-conforming uses and structures shall be registered separately and an accurate listing maintained. The Zoning Officer shall submit an annual report, at the request of the Board of Supervisors, to the Planning Commission regarding the status of all nonconforming uses and structures.

C. This listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said uses and/or structures and shall constitute sufficient status of said use and/or structures and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

ARTICLE VII

AMENDMENTS

The provisions of this Ordinance and the boundaries of the Zoning Districts as set forth on the Official Zoning Map, may from time to time be amended or changed by the Board of Supervisors, in accordance with the provisions of Section 609 of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, as amended.

7.00 Amendments

(1) Procedural - Before voting on the enactment of an amendment, the Board of Supervisors shall hold at least one (1) public hearing thereon, pursuant to adequate public notice in a newspaper of general circulation. In addition, for rezoning excluding that associated with comprehensive rezoning, the following notifications shall occur:

A. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Zoning Officer along the perimeter of the tract(s) to be affected.

B. The affected tract(s) shall be posted at least seven (7) days prior to the date of the hearing.

C. Written notice shall be provided at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for real property located within the area being rezoned, as evidenced by real estate tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing.

(2) Township Planning Commission - In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the planning agency an opportunity to submit recommendations.

(3) Substantial Change - If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include any land not previously affected by it, the Board of Supervisors shall hold another public hearing before proceeding to vote on the amendment.

(4) County Planning Commission Review - All proposed amendments shall be submitted by the Board of Supervisors to the Venango County Planning Commission at least forty-five (45) days prior to the public hearing, for recommendation.

(5) Submission, County Planning Commission - Within thirty (30) days after enactment, a copy of the amendment shall be forwarded to the Venango County Planning Commission.

7.01 - Procedure for Landowner Curative Amendments.

(1) Background - A land owner who desires to challenge on substantive ground the validity of the Ordinance or map, or any provision thereof, that prohibits or restricts the use or development of land in which he/she has an interest may submit a curative amendment to the Board of Supervisors, pursuant to the provisions of Section 609.1 of the Pennsylvania Municipalities Planning Code Act of 1967, P.L. 705, No.246, as amended.

(2) Hearing Timing and Notice - The Board of Supervisors shall commence a hearing thereon within 60 days of the request, pursuant to public notice, unless the landowner requests or consents to an extension of time. Public notice shall include notice that the validity of the Ordinance or map is in question and the place and time when a copy of the requests, including any plans, explanatory material or proposed amendments may be examined by the public.

(3) Review by Planning Commissions - The landowner curative amendment shall be referred by the Board of Supervisors to the Township and County Planning Commissions for review and recommendation.

(4) Enabling Regulations for Hearing - The hearing shall be conducted by the Board of Supervisors in accordance with Section 908 of the Pennsylvania Municipalities Planning Code and all references therein to the zoning hearing board shall, for the purposes of this section be references to the Board of Supervisors: provided, however, that the provisions of Section 908 (1.2) and (9) shall not apply and the provisions of Section 916.1 shall control.

(5) Severability - In the event the Board of Supervisors does not accept the landowner curative amendment and a court of competent jurisdiction subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire Ordinance, but only for those provisions that specifically relate to the landowner's curative amendment and challenge.

(6) Additional Criteria Considered - The Board of Supervisors shall consider the curative amendment, plans and explanatory material submitted by landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of

a type actually available to and affordable by classes of persons otherwise excluded by the challenged provisions of the Ordinance or map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.

D. The impact of the propose use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

E. The impact of the proposal on the preservation of agricultural and other uses that is essential to public health and welfare.

(7) Decision-making Timeframe - The Board of Supervisors shall render its decision within 45 days after the conclusion of the last hearing. If the Board of Supervisors fails to act on the landowner's request within this time period, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

7.02 - Procedure for Municipal Curative Amendments: Should the Board of Supervisors determine that this Ordinance or any portion thereof is substantially invalid, it shall take the actions outlined in this subsection.

(1) Background - The Board of Supervisors shall declare this Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors shall:

A. By resolution make specific findings setting forth the invalidity of this Ordinance that may include:

1) References to those specific uses that are either not permitted or not permitted in sufficient quantity.
2) Reference to a class of use or uses that require revision.
3) Reference to the entire Ordinance that requires revision.

B. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

(2) Timeframe - Within one hundred eighty (180) days from the date of the declaration and proposal, the Board of Supervisors shall enact a curative amendment to cure the declared invalidity.

(3) Procedural - Upon initiation of the procedures, as set forth above, the Board of Supervisors shall not be required to consider or entertain any landowner's curative amendment, nor shall the Zoning Hearing Board be required to provide the report

required in Section 916.1 of Act 246, as amended (The Pennsylvania Municipalities Planning Code). Upon completion of the procedures set forth above no rights to a cure pursuant to the provisions of this Subsection shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Ordinance.

(4) Subsequent Use Requirements - A municipal curative amendment may not be utilized for a period of thirty-six (36) months following the date of enactment of a Municipal Curative Amendment, provided however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of an Appellate Court decision, the Township may utilize the provisions of this Subsection to prepare a curative amendment to fulfill said duty or obligation.

7.03 – Advertising Requirements: The Board of Supervisors shall publish public notice of any proposed amendment not more than thirty (30) nor less than seven (7) days prior to the public hearing, in a newspaper of general circulation. Such notice shall be posted for a minimum of once a week, for two (2) consecutive weeks. Such notice shall contain, at a minimum:

(1) The time and place of the meeting.

(2) A reference to where copies of the proposed amendment may be examined without charged, or obtained for a charge not greater than the cost thereof.

(3) A brief summary of the amendment, including the title, prepared by the Township Solicitor. An attested copy of the full text of the amendment shall be filed in the County Law Library and in the Office of the Venango County Planning Commission. The attested copies may be distributed to the public and a fee for such copies may be imposed that is not greater than the actual cost of preparing the copies.

(4) In the event that substantial amendments are made to the Ordinance, (substantial being defined as amending more than ten percent (10%) of the Ordinance) before voting upon any enactment, the Board of Supervisors shall, at least ten (10) days prior to scheduled enactment re-advertise, re-advertisement shall be in one newspaper of general circulation and shall summarize, in reasonable detail all the amendment provisions.

7.04 – Incorporation: Amendments shall be incorporated into official Ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

8.00 - Reviews and Appeals

Proceedings for securing review and/or appeal of any Ordinance, decision, determination or order of the Board of Supervisors, its agencies or officers adopted pursuant to this Ordinance shall be in strict accordance with the provisions of the Pennsylvania Municipal Planning Code Act of 1967, P.L. 705, No. 246, as amended.

8.01 - Remedies

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Ordinance, the Board of Supervisors, or, with their approval the Zoning Officer, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or use in or about such premises, any act, conduct, or business constituting a violation.

8.02 - Severability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

8.03 - Repeal of Conflicting Ordinances

All other existing Ordinances or parts of Ordinances of the Township of Cherrytree inconsistent herewith are hereby expressly repealed to the extent necessary to give this Ordinance full force and effect.

8.04 - Effective Date

This Ordinance shall become effective on May 1, 2006 and as amended on December 3, 2012 and August 2, 2021.

8.05 - Official Zoning Map

The Official Zoning Map, for purposes of district identification, shall be the Official Zoning Map adopted as part of this Ordinance and posted in the Offices of the Township and Township Zoning Officer. Any reproductions, reductions or copies of said map shall be for information purposes only. Amendments to the Official Zoning Map shall be made by Ordinance and a new Official Zoning Map prepared within thirty days of said amendment.