

**ARTICLE 7**  
**CONDITIONAL USES**

SECTION 701      PURPOSE

The purpose of a use classified as a “Conditional Use” is to provide expressed standards to regulate uses classified as such in particular zoning districts, as provided in Article 5 of this Ordinance.

SECTION 702      GENERAL PROVISIONS

The authority for approving or denying applications for uses permitted as a conditional use shall be vested in the Bear Creek Township Board of Supervisors, with the Bear Creek Township Planning Commission having the authority to review and submit their recommendations to the Board of Supervisors. Any Conditional Use application and plans for a proposed PRD or a Mobile Home Park shall also be submitted to Luzerne County Planning Commission for its review and comment. Decisions by the Board of Supervisors shall be made in accordance with standards and criteria set forth in this Article, any studies and reports required within the context of an Impact Analysis, as so defined in Article 2 of this Ordinance, the respective zoning district in which the use is located, all other applicable regulations of this Ordinance, other ordinances of the Township and all applicable State and/or Federal regulations.

SECTION 703      PROCEDURE FOR SUBMISSION AND DECISIONS

The procedure for approval or denial of a conditional use shall be in accordance with the following:

- A. An application for a conditional use permit, bearing the signature of both the applicant and property owner, along with a copy of the deed to the property shall be submitted to the Zoning Officer with a site plan at a scale of not greater than:

One inch (1) equals fifty (50) feet for properties in excess of two (2) acres.

OR

One (1) inch equals twenty (20) feet for properties being two (2) acres or less.

Please note that the Conditional Use Application must be signed by both the applicant and the landowner, regardless of any equitable interest or other documentation held by the applicant. Failure to provide an application bearing both signatures will be deemed to be an incomplete submission and shall represent a basis for denying the application.

Such plan shall, at minimum, indicate:

1. The location and size of all buildings and structures, both principal and accessory, both existing and proposed.
2. The location of all off-street parking areas and/or loading and unloading areas.
3. The location of all open space areas, including buffer areas and fencing, as applicable.
4. Traffic access to the site and internal traffic circulation including the width and pavement of traffic lanes, and aisle widths.
5. All streets, both public and private within two-hundred (200) feet of the site, including right-of-way and cartway widths.
6. Streams, ponds, watercourses, wetlands, or any other types of bodies of water, including natural or man-made drainage swales, located on the site or within two hundred (200) feet of the site.
7. The location, nature and terms of any existing or proposed easements on the site, and any easements both on-site and off-site which are used or intended to be used for access to the site, including the name and address of the owner or owners granting such easement.
8. The location of any residential structures which border the site on an adjoining lot and/or those within two hundred (200) feet of any property boundary line of the subject site.
9. The Map, Block and Lot Number of the subject parcel, as contained in the records of the Office of the Luzerne County Recorder of Deeds.
10. A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the Township.
11. In cases when a proposed use includes new construction and/or grading of the site, applicant shall provide upon the site plan the contours of the site at vertical intervals of:
  - not more than five (5) feet for land with an average natural slope of five (5%) percent or less.
  - not more than ten (10) feet for land with an average natural slope exceeding five (5%) percent.
  - not more than twenty (20) feet for land with an average natural slope exceeding fifteen (15%) percent.

Topography data shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or

from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

12. If applicable, the applicant shall submit a Soil Erosion and Sedimentation Plan and/or NPDES Permit for review and approval by the Luzerne Conservation District.
  13. The applicant shall submit with the site plan, a narrative that outlines and fully describes all proposed uses or development of the site, along with all pertinent operational aspects, features and/or activities related to the proposed uses or development of the site.
  14. The applicant shall supply any other information required by the Bear Creek Township Board of Supervisors for determining the conformance of the conditional use with the regulations for that particular use.
- B. Prior to approving or denying an application for a conditional use, the Bear Creek Township Board of Supervisors shall conduct a public hearing pursuant to public notice. The Board of Supervisors shall submit the application for the proposed conditional use to the Bear Creek Township Planning Commission, not less than thirty (30) days prior to the public hearing, to allow the Planning Commission to submit any such recommendations as they may deem appropriate. Any Conditional Use application and plans for a proposed PRD or a Mobile Home Park shall also be submitted to Luzerne County Planning Commission for its review and comment.
- C. The public hearing shall be held and conducted in accordance with the same procedural guidelines, which govern the Zoning Hearing Board under Article 15 of this Ordinance. The term "Board of Supervisors" shall replace the term "Zoning Hearing Board" in relevant passages of said Article.
- D. The Board of Supervisors shall convene a hearing on a conditional use application within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time. The sixty (60) day time period shall not commence until the applicant has submitted a properly completed application, with all required signatures and all required fees. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing unless otherwise agreed to by the applicant in writing or on the record.
- E. The Board of Supervisors shall render a final decision on a conditional use application within forty-five (45) days following the conclusion of the last public hearing. If the Board of Supervisors fails to render a final decision within forty-five (45) days following the conclusion of the last public hearing 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

If the Board of Supervisors fails to conduct or complete the required hearing as provided for under Section 1506(D) of this Ordinance, 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.

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 public notice. If the Board of Supervisors fails to provide such notice, the applicant may do so.

- F. The Board of Supervisors may grant an approval for a conditional use upon its determination that adequate evidence and information has been provided, which indicates the applicant's proposal meets the general and specific requirements for the type of conditional use in question, and any additional conditions and safeguards deemed necessary to protect the public health, safety and general welfare.

#### SECTION 704      GENERAL STANDARDS

The general standards contained herein, shall be utilized in the review of applications and plans for any use which is classified as a conditional use.

- A. The proposed use shall not jeopardize the Community Development Objectives of this Ordinance nor shall it adversely affect the health, safety and welfare of the public and/or the environment.
- B. Public services and facilities such as streets, sewage disposal, water, police and fire protection shall be adequate for the proposed use.
- C. Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion, and for providing for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
- D. The proposed use shall be compatible with the adjoining development and the character of the zoning district where it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof with the adjoining development and the character of the zoning district.
- E. The proposed use shall not substantially impair the value of other property in the neighborhood where it is proposed to be located.
- F. The proposed use and/or development shall not be more objectionable in its operation in terms of noise, fumes, odors, vibration or lighting than would be the operations of any permitted use in the district.
- G. The proposed use and/or development shall not result in any adverse or negative impacts based upon the information required with submission of an Environmental

Impact Statement required under Section 706 of this Ordinance, and all subsections thereunder.

- H. The submission of any reports and/or studies within the context of the definition "Impact Analysis" as contained within Article 2 of this Ordinance, must conclusively demonstrate that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Board of Supervisors including but not limited to the interest of protecting the health, safety and welfare of the public and environmental features and characteristics of the site and/or surrounding areas.

**SECTION 705      CLASSIFIED CONDITIONAL USES**

The following uses/developments are classified as conditional uses within Article 5 of this Ordinance:

**C-1, Conservation District**

- Campgrounds and Recreational Vehicle Parks
- Commercial Communication Tower and related facilities
- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Golf Courses
- Planned Residential Development
- Small Wind Energy Conversion System
- Wind Energy Facility (as defined in Article 2)
- Any nonresidential use permitted by right or by special exception, excluding agricultural uses, shall be deemed a conditional use if it involves either of the following:
  - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
  - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

**A-1, Agricultural District**

- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Planned Residential Development
- Wind Energy Facility (as defined in Article 2)
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception, excluding agricultural uses, shall be deemed a conditional use if it involves either of the following:
  - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.

- (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

### **R-1, Single Family Residential**

- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
  - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
  - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

### **R-2, Multifamily Residential District**

- Mobile Home Parks (Homes on permanent foundations)
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
  - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
  - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

### **B-1, Neighborhood Business District**

- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
  - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
  - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen (15,000) square feet of buildings, structures and/or other impervious surface area.

### **B-2, General Business District**

- Shopping Center
- Small Wind Energy Conversion System

- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
  - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
  - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

**I-1, Industrial District**

- Automotive Wrecking Yards
- Bulk Fuel Storage
- Detention Facility
- Excavation and extraction of minerals, including Quarry Operations (as defined in Article 2)
- Heavy Industrial Uses (as defined in Article 2)
- Junk Yards
- Methadone Treatment Facility
- Sewage Treatment Plants
- Sexually Oriented Business (as defined in Article 2)
- Small Wind Energy Conversion System
- Solid Waste Facilities
- Staging Areas
- Transfer Stations

Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:

- (a) the initial or cumulative earth disturbance activity which equals or exceeds 100,000 square feet of surface area.
- (b) the initial or cumulative construction, placement or installation which equals or exceeds 25,000 square feet of buildings, structures and/or other impervious surface area.
- (c) Any use which utilizes and/or stores any hazardous substances as so defined in Article 2 of this Ordinance.

**SECTION 706 ENVIRONMENTAL IMPACT STATEMENT**

In addition to all other requirements, an Environmental Impact Statement shall be required for any use/development which is classified as a conditional use. The Board of Supervisors, at its sole discretion, may exempt a use from the submission of an Environmental Impact Statement, in whole or in part. Consideration of an exemption must be preceded by a written request submitted by the applicant which addresses the

basis for the requested exemption. The purpose of the Environmental Impact Statement is to disclose the environmental consequences of a proposed action. This requirement is designed to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality, aquifers and the quality of life throughout Bear Creek Township and its environs. An Environmental Impact Statement shall include a response to the following items and said proposed use/development shall further comply with all other applicable standards and requirements of this Ordinance:

706.01.      SOIL TYPES

- a.      U.S.D.A. Soil Types (illustrated upon map).
- b.      Permeability of soil on the site.
- c.      Rate of percolation of water through the soil for every five acres.

706.02      SURFACE WATERS

- a.      Distance of site from the nearest surface water and head waters of streams.
- b.      Sources of runoff water.
- c.      Rate of runoff from the site.
- d.      Destination of runoff water and method of controlling down stream effects.
- e.      Chemical additives to runoff water on the site.
- f.      Submission of a soils erosion and sedimentation control plan meeting the requirements of the Luzerne Conservation District.
- g.      A storm water management plan which shall be developed in coordination with the soils erosion and sedimentation plan.

706.03      GROUND COVER INCLUDING TREES

- a.      Extent of existing impervious ground cover on the site.
- b.      Extent of proposed impervious ground cover on the site.
- c.      Extent of existing vegetative cover on the site.
- d.      Extent of proposed vegetative cover on the site.

706.04      TOPOGRAPHY

- a. Maximum existing elevation of site.
- b. Minimum existing elevation of site.
- c. Maximum proposed elevation of site.
- d. Minimum proposed elevation of site.
- e. Description of the topography of the site and all proposed changes in topography.

706.05      GROUND WATER

- a. Average depth to seasonal high water table.
- b. Minimum depth to water table on site.
- c. Maximum depth to water table on site.

706.06      WATER SUPPLY

- a. The source and adequacy of water to be provided to the site.
- b. The projected water requirements (G.P.D.) for the site.
- c. The uses to which the water will be put.

706.07      SEWAGE SYSTEM

- a. Sewage disposal system (description and location on the site of system).
- b. Expected content of sewage effluents (human waste, pesticides, detergents, oils, heavy metals, and other chemicals).
- c. Projected daily volumes of sewage.
- d. Affected sewage treatment plant's present capacity and design capacity.

706.08      SOLID WASTE

- a. Estimated quantity of solid waste to be developed and/or processed on the site during and after construction.
- b. Method of disposal and/or processing of solid waste during and after construction.
- c. Plans for recycling of solid waste during and after construction.

706.09      AIR QUALITY

- a.      Expected changes in air quality due to activities at the site during and after construction.
- b.      Plans for control of emissions affecting air quality.

706.10      NOISE

- a.      Noise levels, above existing levels, anticipated to be generated at the site, (source and magnitude), during and after construction.
- b.      Proposed method for control of additional noise on-site during and after construction.

706.11      IMPACT OF PROPOSED USE/DEVELOPMENT

A description of the impacts on the environment and mitigating factors shall be provided for the following:

- a.      Existing plant species, (upland and marine), and effects thereon.
- b.      Existing animal species and effects thereon.
- c.      Existing wild fowl and other birds and effects thereon.
- d.      Effects of drainage and runoff.
- e.      Effects on ground water quality.
- f.      Effects on surface water quality.
- g.      Effects on air quality.
- h.      Alternatives to proposed use/development, consistent with the zoning of the site.
- i.      Projected amount and type of traffic to be generated and the effects of the same on public roads and highways.

706.12      IMPACT UPON CRITICAL AREAS

The applicant shall define, describe and identify upon a map, critical areas as defined in Article 2 of this Ordinance. A statement of any potential impact upon critical areas shall be provided by the applicant, including but not limited to adverse impacts which cannot be avoided and/or mitigated as a resulting effect of the development.

706.13      OTHER GOVERNMENTAL JURISDICTION

A list of all licenses, permits and other approvals required by County, State or Federal law and the status of each.

706.14      REVIEW PROCEDURE OF ENVIRONMENTAL IMPACT STATEMENT

- A.      Upon receipt of an Environmental Impact Statement, the Board of Supervisors shall promptly forward the Environmental Impact Statement to the Township Planning Commission, the Township Planning Consultant, the Township Engineer and any other agency, firm or individual which the Board of Supervisors may desire for their consultation and input.
  
- B.      The Planning Commission shall review the applicant's Environmental Impact Statement and provide the Board of Supervisors with its comments and recommendations within thirty (30) days from the date of its submission to the Planning Commission.
  
- C.      The Board of Supervisors shall have the discretion to retain the expertise of appropriate parties in their review of the Environmental Impact Statement.
  
- D.      A determination by the Board of Supervisors of a potential adverse environmental impact which may result and cannot be fully mitigated by the applicant shall constitute sufficient basis for the denial of a conditional use permit.

706.15      MITIGATION OF ADVERSE IMPACTS

In the event that any information, data, and/or "Impact Analysis" indicate a projected and/or potential adverse impact, the applicant shall fully mitigate such impact. A determination of a potential adverse impact which may result and cannot be fully mitigated by the applicant shall constitute sufficient basis for the denial of a conditional use permit.

***SUPPLEMENTARY REGULATIONS FOR CERTAIN CONDITIONAL USES.  
THESE REGULATIONS ARE IN ADDITION TO THOSE CONTAINED IN  
SECTIONS 704 AND SECTION 706 OF THIS ORDINANCE.***

SECTION 707      SOLID WASTE FACILITY

A solid waste facility shall conclusively demonstrate conformance to all of the following items:

- A.      The applicant shall provide a comprehensive soil analysis and groundwater report which shall conclusively demonstrate that the proposed design, construction and operation of the solid waste facility shall not pollute surface or

groundwater, nor otherwise cause any potential health or environmental hazard. Said report shall be jointly signed and certified by the applicant and the consultant, who prepares the report, attesting to the accuracy of information and the validity of said report.

- B. The applicant shall sign an agreement prepared by the Township Solicitor, prior to final approval of the application for a Conditional Use Permit which shall specify all the terms and conditions of approval, including the Township's authority to revoke the Permit for the violation of any terms and/or conditions under which the application was approved. Prior to formal action to revoke the Conditional Use Permit, the Board of Supervisors shall convene a public hearing, pursuant to public notice, to consider testimony and evidence relative to the alleged violations. Based upon the testimony and evidence provided, the Board of Supervisors shall render a decision.
- C. The land area and/or parcel of land on which the solid waste facility is located shall not exceed twenty-five (25) acres, whether developed initially or cumulatively.
- D. The applicant of a proposed solid waste facility shall provide conclusive evidence, based upon a mining report, soil analysis, test borings and any other appropriate technical data which conclusively demonstrates that the subsurface conditions beneath any area to be utilized as a landfill is capable of sustaining the bearing load of projected and/or planned quantity of material to be deposited and/or disposed of upon the site. The applicant and the person, party or firm providing such evidence shall jointly sign and certify the accuracy and validity of the information and data which is provided as conclusive evidence.
- E. Any application for a Conditional Use Permit for a solid waste facility, which includes the operation of a landfill, shall include a proposed reuse of the property and/or area utilized as a landfill upon the cessation of landfill activities. The proposed reuse of the property shall not be inconsistent with the Community Development Objectives of this Ordinance and land uses, existing and planned, on property which adjoins the site of the Facility.
- F. The applicant shall be required to create an escrow fund to finance the proposed and planned reuse and development of any area utilized as a landfill based upon the projected life expectancy of any area within the solid waste facility which is utilized as a landfill. Such fund shall be funded while the property is still being used for a landfill with annual increment payments. The annual increment payment shall be based upon the estimated cost of the proposed reuse of the site divided by the number of years which the landfill is expected to operate. Such fund shall be separate and distinct from any funding and/or bonding requirement pursuant to closure activities.
- G. A solid waste facility may conduct and operate all approved functional aspects within the Facility from the hours of 7:00 A.M. to 4:00 P.M. from Monday through Friday. Said Facility shall not conduct and/or operate any approved functional aspects associated with the Facility on Saturdays, Sundays and all

legally recognized holidays by the federal government and/or the Commonwealth of Pennsylvania.

- H. The entire site of a solid waste facility shall be enclosed with industrial type gauge fencing which shall be ten (10) feet in height. All gates shall be closed and locked at the end of business hours. There shall be no advertising of any kind displayed upon the fence.
- I. No operations and/or activities permitted within a solid waste facility shall be permitted within one thousand (1,000) feet of any property line boundary.
- J. All solid waste facilities and staging areas which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building. Storage of materials, supplies or solid waste in motor vehicles, trucks, trailers or other containers normally used to transport the materials shall not be permitted unless the aforesaid motor vehicles, trucks, trailers or other containers shall be stored within a completely enclosed building.
- K. A solid waste facility shall provide for treatment and disposal of all liquid effluent and discharges generated by the facility due to the storage, washing or other process used in treating and/or processing the solid waste. Any water discharge from the facility after being treated by the waste water treatment system shall meet all applicable regulations and requirements of the Pennsylvania Department of Environmental Protection.
- L. All storm water collected on the site shall be treated by the facility's wastewater treatment system. Parking of motor vehicles containing solid waste or motor vehicles which have not been properly cleaned and washed shall only be permitted in completely enclosed buildings, handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.
- M. The owner and/or operator of any solid waste facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three (3) months on any stream within 500 feet of any areas used for the storage or disposal of solid waste, if water drainage from the facility is discharged into said stream. For each testing period two (2) testing samples shall be collected: one sample shall be taken from the stream at a point upstream of the facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well location, if applicable, located on the premises shall also be sampled every three (3) months. All water samples shall be collected and analyzed by an independent party which is a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and the results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the facility shall immediately cease operation until such time as the source of the contamination has been identified and totally corrected.

- O. The area or areas upon which any permitted operations and/or activities within a solid waste facility are conducted shall be entirely screened. Such screening shall consist of a variety of evergreen trees, approved by the Board of Supervisors, planted not more than six (6) feet apart and being not less than eight (8') feet in height at the time of planting. Said screening shall be located not greater than three hundred (300) feet from the operations and/or activities which are subject to being screened. The applicant and/or operator of the Facility shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die or otherwise fail to grow.
- P. The applicant shall provide a detailed narrative which fully describes the daily operations of all permitted functions and activities within the proposed solid waste facility, including the projected daily volume and tonnage of refuse being accepted for processing and/or disposal.
- Q. The applicant shall submit to the Board of Supervisors, a copy of their commercial policy of liability insurance covering third party claims for property damage and personal injury.
- R. Vehicular access for ingress, egress and regress to a solid waste facility shall be solely limited to private access roads. Such private access roads shall only have access to a state legislative route with no permitted access to or from any local streets and/or roads.
- S. The owner and or operator of a solid waste facility shall provide an emergency response plan to address potential hazards associated with its operations. Said plan shall be submitted for review and comment to the local fire companies which serve Bear Creek Township.
- T. Any solid waste facility which processes sludge, prior to its final disposal, shall be designed to include a liner in accordance with the applicable standards of the Department of Environmental Protection for the liner within a proposed landfill.
- U. Any solid waste facility which includes incineration shall be designed and operated in a manner to limit emissions by not less than ten (10%) percent below the applicable allowable emission standards of the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency, based upon the more restrictive regulations for reducing and/or limiting air pollution. Any emissions stack or similar structure shall not exceed one hundred (100) feet in height.
- V. The applicant shall in addition to other required information and data provide an "Impact Analysis" that addresses the impact of the proposed operation and activities of a solid waste facility in relationship to the following items:
  - 1. All streets and roads which shall and/or are likely to be utilized for means of access to and from the site, including projected truck traffic which shall be generated in relationship to the projected daily volume of waste being transported to the solid waste facility.

2. The suitability of the site for the proposed operations and activities of the solid waste facility in relationship to the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features which are located both on-site and off-site of the Facility.
3. The impact, both on-site and off-site, of the proposed operations and activities of the solid waste facility on the soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features regarding the degree to which these are protected or destroyed, the tolerance of these resources to the proposed development and any adverse environmental impacts.
4. The impact of the proposed operations and activities of the Solid Waste Facility upon any locations or structures of historical and/or cultural significance within 3,000 feet of any property line of the facility.

707.2            HOST MUNICIPALITY FEE

A host municipality fee shall be executed between Bear Creek Township and applicant, owner and/or operator of a solid waste facility prior to the commencement of construction of said Facility.

SECTION 708        EXCAVATION AND EXTRACTION OF MINERALS,  
INCLUDING QUARRIES

Excavation and extraction of minerals, as defined in Article 2, shall be considered a temporary use, subject to the following requirements:

- A. Project Narrative: A written report shall be submitted by the applicant that includes the type of minerals proposed to be excavated, extracted, and/or removed from the site, the volume of such material and the maximum length of time associated with the proposed operation based upon the stated volume of material. Said narrative shall also describe normal, daily operational features performed upon the site, including but not limited to, proposed hours of operation, anticipated noise levels, and the type and volume of truck traffic to be generated with the proposed traffic routes to and from the site.
- B. Map: Submission of a map or maps at a scale of not greater than one (1) inch equals fifty (50) feet that outlines the entire property and the proposed area subject to excavation, extraction, and/or removal of minerals. Said map shall indicate existing contours prior to the start of work, and proposed final contours, including the proposed maximum depth of excavation at all points subject to excavation. Said map or maps shall also contain surface features showing the location of buildings, dwellings, places of worship, schools, railroads, highways and public uses within a distance of five hundred (500) feet from the perimeter of the proposed use.

- C. Bond, Backfilling and Fees: The applicant shall provide documentation that all applicable State requirements relative to providing a bond that guarantees the restoration and backfilling of any land proposed to be excavated or otherwise disturbed has been secured.
- D. Insurance: That a Certificate of Insurance evidencing that the quarry operator has general liability insurance with limits of \$500,000 per accident and \$1,000,000 in the aggregate for bodily injury and personal injuries, and \$1,000,000 per accident and in the aggregate for property damage, be filed with the Board of Supervisors; which Certificate shall indicate that Bear Creek Township is listed as an additional insured on the aforementioned policy for losses arising out of the named insured's operations at the quarry.
- E. Distance Provisions: The perimeter of any excavation under this Section shall not be nearer than one thousand (1,000) feet from any building, property line or street, except that owned by the applicant.
- F. Timing: If blasting is proposed to be included as part of the excavation/extraction process, such approval must be specifically granted by the Bear Creek Township Board of Supervisors as an element of the Conditional Use approval. Blasting, if permitted by the Township Board of Supervisors, shall occur only between the hours of 9:00 A.M. and 4:00 P.M. local time excluding Saturdays, Sundays and the following holidays:

January 1<sup>st</sup>  
 Memorial Day  
 July 4<sup>th</sup>  
 Labor Day  
 Thanksgiving  
 Christmas

All blasting shall be in accordance with regulations promulgated by the Pennsylvania Department of Environmental Protection. The applicant shall provide the Township with not less than a seventy -two (72) hour advance notice.

- G. Location of Processing Equipment: To reduce airborne dust, dirt and noise, all structures for sorting, crushing, grinding, loading, weighing, washing and other operations shall be not less than one thousand (1000) feet from the right-of-way of any street, and/or one thousand (1000) feet from any residential building or the boundary of a residential zoning district.
- H. Drainage: All excavations both during operations and after completion shall be drained to prevent the formation of pools of water. Adequate measures shall be documented and approved as part of the application process. Said measures shall be implemented prior to any excavation operation.
- I. Limitation on Land Area: At any given time, the active excavation/extraction areas shall not exceed ten (10) acres in area on any lot or tract of land. Additional areas may be approved on the completion and cessation of previous approvals.

- J. Compliance with State Requirements: Final and/or unconditional approval for excavation, extraction and/or minerals under the provisions of this Ordinance shall not be issued until the applicant documents that all required licenses and/or permits have been properly secured from the applicable State and /or Federal agencies, including but not limited to the Pennsylvania Department of Environmental Protection.

SECTION 709 WIND ENERGY FACILITY

A. INFORMATION TO BE SUBMITTED

The applicant for a Wind Energy Facility shall be required to submit the following information:

- The applicant and landowner's name and contact information. Please note that the Conditional Use Application must be signed by both the applicant and the landowner, regardless of any equitable interest or other documentation held by the applicant. Failure to provide an application bearing both signatures will be deemed to be an incomplete submission and shall represent a basis for denying the application.
- The tax map numbers, existing use and acreage of the site parcel.
- A copy of the deed to the property.
- A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the generating capacity of the Wind Energy Facility; the number, representative types and height of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- A survey map at an appropriate scale showing the proposed location of the wind energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences, schools, churches, hospitals, libraries, federal, state, county or local parks, and recognized historic or heritage sites within a distance of 2,000 feet or less from any property boundary.
- Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the Wind Turbine, showing compliance with the applicable building code.
- The make, model, picture and manufacturer's specifications, including noise decibels. Data pertaining to the Wind Turbine's safety and stability, including safety results from test facilities. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters

Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

- A completed Environmental Impact Statement in accordance with Section 706 of this Ordinance.
- A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 6 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
- No fewer than four, and no more than the number of proposed individual wind turbines, plus three color photos, no smaller than 8" by 10", taken from locations within a three-mile radius from the site and to be selected by the Township Council, and computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from these locations.
- Copies of all proposed leases required to be secured by the applicant, shall be provided, if the applicant is not the sole owner of the parcel or parcels on which the Wind Energy Facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
- Copies of all easements, existing and proposed upon the site shall be provided by the by the applicant. Said easements shall be clearly illustrated upon the site plan.
- Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located, including the name and mailing address of the owners of record.

#### B. APPROVAL STANDARDS

In addition to all other applicable criteria and requirements for approval of a conditional use as set forth in Article 6, the following standards shall apply:

- The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- To limit unauthorized access, a fence eight feet high with a locking portal shall be placed around the base of the tower of a wind turbine. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
  - Tower-climbing apparatus located no closer than 15 feet from the ground.
  - A locked anti-climb device installed on the tower.
- Wind energy facilities shall not be artificially lighted, except to the extent

required by the FAA or other applicable authority.

- All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- All power transmission lines from a wind turbine to on-site substations shall be underground.
- Prior to issuance of a building permit, the applicant shall provide the Township proof of a level of insurance to be determined by the Township Council in consultation with the Township's insurer, to cover damage or injury that might result from the failure of a tower or towers of a wind turbine or any other part or parts of the generation and transmission facility. Said insurance must be maintained for the life of the Wind Energy Facility, until such time that all components of the Wind Energy Facility are decommissioned and/or removed.
- Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each Wind Turbine or group of towers and any building, containing emergency contact information, including a local telephone number with 24 hour, 7 days a week coverage.
- Any Wind Energy Facility found to be unsafe by the local enforcement officer or agent of the Township shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any Wind Energy Facility is not operated for a continuous period of 12 months, the Township will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Township deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the Township.
- The owner of a Wind Energy Facility shall have it inspected at least every two years for structural and operational integrity by a licensed professional engineer, and shall submit a copy of the inspection report to the Township. If such report recommends that repairs or maintenance are to be conducted, the owner shall provide written to the Township with a written schedule for the repairs or maintenance.
- A Wind Energy Facility shall comply with all applicable provision under the Pennsylvania Uniform Construction Code and shall secure a building permit from Bear Creek Township.

C. SITING AND INSTALLATION:

A Wind Energy Facility shall:

- Use existing roads to provide access to the facility site, or if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts.
- Combine transmission lines and points of connection to local distribution lines.
- Connect the facility to existing substations, or if new substations are needed, minimize the number of new substations.
- All wiring between wind turbines and the wind energy facility substation shall be underground.
- The wind power generation facility, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to wind power generation facilities and shall provide evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.

D. SETBACKS:

- The minimum setback distance between each wind turbine and overhead utility or transmission lines, other wind turbine, electrical substations, meteorological towers, and public roads shall be equal to no less than 1.1 times the sum of proposed structure height plus the rotor radius.
- The minimum setback distance for each wind turbine to any property line shall be not less than 1,500 feet.
- The minimum setback distance for each wind turbine to off-site structures shall be not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of an off-site structures or 1,500 feet, whichever is greater.
- All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.

E. NUISANCE ISSUES:

- Individual Wind Turbines shall be located so that the level of noise produced by Wind Turbine operation shall not exceed 50 dBA, measured at all points of the site's property line. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
- No individual Wind Turbine shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.
- Reasonable efforts shall be made to preclude shadow flicker to any Building on a Non-participating Landowner's property.

F. ENVIRONMENTAL AND VISUAL:

- Wind Energy Facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- The design of the wind turbines buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- Where wind characteristics permit, wind turbines shall be set back from the tops of visually prominent ridgelines to minimize the visual contrast from any public access.
- The maximum Turbine Height, as so defined in this Ordinance, shall not exceed 350 feet.
- Wind Turbines shall be designed and located to minimize adverse visual impacts from neighboring residential areas, to the greatest extent feasible.
- Avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as a) electrical equipment boxes on or near the ground that can provide shelter and warmth, b) horizontal perching opportunities on the towers or related structures or c) soil where weeds can accumulate.
- A Wind Turbine shall be set back at least 1,500 feet from any bodies of water including but not limited to lakes, ponds, streams, creeks and rivers. The above setback distance may be altered based upon the findings under Section 706, Environmental Impact Statement of this Ordinance.

- All reasonable efforts shall be made to avoid development of sites which contain wetlands. Wind turbine shall be set back of not less than 1.1 times the Turbine Height, from identified wetlands and its delineated boundaries. The above setback distance may be altered based upon the findings under Section 706, Environmental Impact Statement of this Ordinance.
- Wind Energy Facilities shall provide conclusive documentation that the location and operation of the proposed facility will not adversely affect the wild life habitat, including but not limited to bats and birds of the region and associated migration routes. Comments from any State and/or Federal Agency having a jurisdictional review or stewardship over the protection of wildlife shall be required.

G. DECOMMISSIONING AND RESTORATION REQUIREMENTS

A Wind Energy Facility and all related components necessary for its operation shall be removed from the site upon its cessation of use. The applicant shall include the following information regarding decommissioning and removal of the a Wind Energy Facility and restoring the site:

1. The anticipated and/or estimated life of the project;
2. The estimated decommissioning costs in current dollars;
3. The method and schedule for updating the costs of decommissioning and restoration;
4. The method of ensuring that funds will be available for decommissioning and restoration; and
5. The anticipated manner in which the project will be decommissioned and the site restored.
6. The Board of Supervisors shall require the applicant to provide an appropriate and adequate demolition bond for purposes of removing the commercial communications tower in case the applicant fails to do so as required above. Proof of this bond shall be provided each year and shall be a continuing condition for the life of the project.
7. The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

SECTION 710 SMALL WIND ENERGY CONVERSION SYSTEM (“Small WECS”)

1. DESIGN AND INSTALLATION

A. Design Safety Certification

The design of a Small WECS shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer's from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

B. All components of a small WECS shall be designed and constructed to be in compliance with pertinent provisions of the Pennsylvania Uniform Construction Code Uniform. Building Code.

C. Controls and Brakes

A small WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

D. Electrical Components

All electrical components of a small WECS shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

The maximum turbine power output shall be limited to 10 KW.

All on-site electrical wiring associated with the system shall be installed underground except for "tie- ins" to a public utility company and public utility company transmission poles, towers and lines.

A Small WECS shall not cause disruption or loss of radio, telephone, television or similar signals, and shall be required to mitigate any harm caused by the operation of the system.

At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, or generator where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

Anchor points for any guy wires for a small WECS shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

## 2. VISUAL APPEARANCE

A visual analysis of a small WECS as intended to be installed shall be provided with conditional use. The visual analysis shall include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points.

Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

A small WECS's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

A small WECS shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:

- shall not project above the top of ridgelines.
- shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

## 3. LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS:

A small WECS shall be located on a lot with a minimum size of not less than two (2) acres.

The maximum turbine height for a small WECS shall be as follows:

- 65 feet or less on parcels between two and five acres.
- 80 feet or less on parcels of five or more acres.

Setback requirements. A small WECS shall not be located closer to a property line than two and a half (2.5) times the turbine height as measured from the center of the base and/or concrete pad to which it is attached.

Only one small WECS per legal lot shall be allowed.

4. CLIMB PREVENTION/LOCKS

Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

- Tower-climbing apparatus located no closer than 15 feet from the ground.
- A locked anti-climb device installed on the tower.

A locked, protective fence at least six feet in height shall enclose the tower and electrical equipment to prevent entry by non-authorized persons.

5. NOISE AND SHADOW FLICKER

Audible sound from a Small WECS shall not exceed fifty (50) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from the operations of a Small WECS shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of the Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

Reasonable efforts shall be made to preclude shadow flicker to any Occupied Building on a Non-participating Landowner's property.

6. ABANDONMENT

A Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

SECTION 711      JUNKYARDS AND/OR AUTOMOTIVE WRECKING YARDS

All new junk yards and automotive wrecking yards, or the proposed expansion of an existing junk yard and automotive wrecking yard, shall comply with the following:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health of the community or residents nearby or a place for the breeding of rodents and vermin.
- B. Burning of any materials shall be prohibited.
- C. No oil, grease, tires or gasoline shall be burned at any time.
- D. No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored on such premises.
- E. Whenever any motor vehicle shall be received on such premises as junk, all gasoline, oil, antifreeze, transmission fluid and/or other toxic fluid or

hazardous material shall be drained and/or removed said vehicles and disposed of in a manner consistent with the applicable rules and regulations of the Pennsylvania Department of Environmental Protection.

- F. The storage of any combustible materials, such as gasoline, oil or related items, shall be placed in fireproof containers and stored within fireproof sheds.
- G. The manner of storage and arrangement of junk and the drainage facilities on the site shall be such as to prevent the accumulation of stagnant water upon the premises. A storm water drainage plan shall be required.
- H. There shall be no stockpiling of motor vehicles or any junk piled higher than four (4) feet.
- I. Fire lanes of a minimum width of twenty (20) feet in width shall be provided for every forty (40) linear feet of junk, which shall be kept open and unobstructed for proper access for fire fighting equipment and safety purposes.
- J. Junk shall not be stored within one hundred (100) feet of any adjoining property line or nearer than one hundred (100) feet to any adjoining or abutting street.
- K. All junkyards shall be completely screened from view on all sides by a buffer area as so defined in Article 2 of this Ordinance. The required fence shall be not closer than ten (10) feet to any property line.
- L. Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.
- M. All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin.
- N. Such premises may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday, through Saturday from 8:00 A.M. to 4:00 P.M., local time.

## SECTION 712      SEXUALLY ORIENTED BUSINESS

Sexually Oriented Bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Sexually Oriented Entertainment: A nightclub, bar, restaurant, club or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Specified Anatomical Areas: Specified anatomical areas, as used above within the definitions of “Sexually Oriented Bookstore” and “Sexually Oriented Entertainment” means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Specified sexual activities as used above within the definitions of “Sexually Oriented Bookstore” and “Sexually Oriented Entertainment” means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth as a "Sexually Oriented Business".

## SECTION 713      METHADONE TREATMENT FACILITY

- A. A methadone treatment facility shall be located upon a lot having an area of not less than thirty thousand (30,000) square feet, applicable for either new construction or for adaptive reuse of an existing structure.
- B. Any proposed methadone treatment facility shall include with its submission of a zoning permit application, an operational narrative which accurately describes the nature of medical services to be offered and the names of the medical practitioners providing said services. A licensed physician, a MD or a DO, shall be on duty at the facility during the methadone treatment facility's hours of operation
- C. Prior to occupancy, any existing structure proposed for adaptive reuse as a methadone treatment facility shall be brought into compliance with all

current building codes and all other applicable Township, County, State and Federal regulations.

- D. Any methadone treatment facility with direct access and/or frontage along a State Legislative Route shall include with its submission of a zoning permit application, a traffic impact analysis prepared by a professional licensed engineer with expertise in transportation and traffic planning. Such analysis shall address the following:
1. The number of vehicle trips expected to be generated during an average weekday including both a.m. and p.m. peak hours of adjacent street traffic.
  2. The number and types of vehicles, with an origin or destination at the subject site, the need for which is generated by said use.
  3. The routes, roadways or streets to reach the methadone treatment facility.
  4. The impact of the levels-of service at intersections within one half ( $1/2$ ) mile of said methadone treatment facility.
  5. Recommended traffic control devices designed to mitigate any documented adverse impact on adjacent roadways.
- E. Required Off-Street Parking - Twelve (12) spaces for every doctor, licensed medical practitioner, and/or counselor; employed at the facility and one (1) additional space for every one hundred (100) square feet of gross floor area. All off-street parking areas shall be adequately lighted, with a lighting plan included within the submission of the required site plan.

SECTION 714      COMMERCIAL COMMUNICATION TOWER

A. STRUCTURAL INTEGRITY AND SAFETY

1. A commercial antenna and support structure for a wireless commercial communication site shall be designed and constructed to meet or exceed all applicable standards of the American National Standards Institute, NSI/EPA-222-E manual, as amended and also to FAA standards for marking and lighting requirements of obstructions to air navigation as set within the most recent edition of Advisory Circular AC 70/7460-1H including any amendments thereto
2. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual, as amended, shall be submitted to document and verify the design specifications of the foundation for the commercial antenna and support structure, and anchors for the guy wires, if used.

3. The operational use of a commercial antenna, as so defined within this Ordinance, including those mounted upon a support structure or to an existing structure, shall comply with all applicable rules and regulations of the FCC and the FAA.
4. The applicant or owner of a commercial antenna and support structure shall provide a design certificate and an operational certificate, prepared by a professional engineer, which certifies compliance with the standards addressed in the above items A, B and C. The design certificate shall be submitted with the Zoning Application for the proposed commercial antenna and support structure. The operational certificate shall include “as-built” drawings and written certification from the applicant’s professional engineer that all applicable regulations have been met.

B. HEIGHT AND SETBACK REQUIREMENTS

1. A commercial antenna when mounted upon an existing structure, including an existing building, shall not exceed the height of the existing structure by more than eight (8) feet.
2. A commercial antenna and support structure shall be setback from any property line to a distance that is not less than one hundred and fifty (150%) percent of the height of the antenna and support structure as measured in linear feet.
3. Any building utilized as a component of a commercial enterprise in the collection and/or transmission of telecommunication signals, radio signals, television signals, wireless phone signals or similar signals shall be completely enclosed by a fence, eight (8) feet in height, with such building meeting the setback requirements for the zoning district in which it is located.
4. The applicant shall demonstrate, using technological evidence, that the commercial antenna and support structure must be located where it is being proposed and that it represents the minimum height required to function satisfactorily.
5. A commercial antenna and support structure shall be designed with excess capacity beyond the initial intended use in order to encourage secondary users to lease the balance of the capacity at reasonable rates. When a new antenna and support structure is proposed, the applicant must demonstrate that all alternatives to the construction of a new antenna support structure have been exhausted.
6. All commercial antennas that equal or exceed one hundred (100) feet in height shall be designed and equipped with FAA approved warning lights.
7. Up to the height of the tallest nearby trees, the commercial antenna and support structure shall be a brownish color, whether painted brown or caused by oxidation or otherwise, to lessen its visual impact. Above that height, it

shall be designed in both color and structural configuration to be camouflaged with surrounding trees and vegetation in a manner that will minimize its visual impact.

8. A commercial antenna and support structure or an antenna mounted upon an existing structure shall be removed by the owner of the same within six (6) months of the discontinuance of its use. The owner shall provide Bear Creek Township with a copy of the notice to the FCC of intent to cease operations. The six month period for the removal of the antenna and support structure or an antenna mounted upon an existing structure shall commence on the date indicated for ceasing operations.

C. SITE PLANS

1. A site plan in conformance with the governing standards of the Bear Creek Township Subdivision and Land Development Ordinance, as amended, shall also be required when the location of a free-standing commercial antenna and support structure represents a described parcel of land subject to a lease, within an existing deed of record.
2. A new site plan shall not be required when a proposed antenna is to be located on an existing free-standing commercial antenna support structure or a public utility transmission tower.

D. SUPPLEMENTAL STANDARDS AND CRITERIA

1. The applicant shall demonstrate that the proposed commercial antenna and support structure complies with all applicable State and Federal standards.
2. The applicant shall demonstrate that the proposed commercial antenna and its support structure are safe and the surrounding properties will not be negatively affected by support structure failure, falling ice or other debris.
3. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
4. A commercial antenna and support structure shall be designed with excess capacity beyond the initial intended use in order to encourage secondary users to lease the balance of the capacity at reasonable rates. When a new antenna and support structure is proposed, the applicant must demonstrate that all alternatives to the construction of a new antenna support structure have been exhausted.
5. The commercial antenna and support structure shall be a brownish color (whether painted brown or caused by oxidation or otherwise to

lessen its visual impact) up to the height of the tallest nearby trees. Above that height, it shall be painted silver or another color that will minimize its visual impact.

G. DECOMMISSIONING AND RESTORATION REQUIREMENTS

A commercial communication tower shall be removed from the site upon its cessation of use. The applicant shall include the following information regarding decommissioning and removal of the a commercial communications tower and restoring the site:

1. The anticipated and/or estimated life of the project;
2. The estimated decommissioning costs in current dollars;
3. The method and schedule for updating the costs of decommissioning and restoration;
4. The method of ensuring that funds will be available for decommissioning and restoration; and
5. The anticipated manner in which the project will be decommissioned and the site restored.
6. The Board of Supervisors shall require the applicant to provide an appropriate and adequate demolition bond for purposes of removing the commercial communications tower in case the applicant fails to do so as required above. Proof of this bond shall be provided each year and shall be a continuing condition for the life of the project.
7. The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

SECTION 715      BULK FUEL STORAGE

Bulk fuel storage shall be located on a tract of land not less than five (5) acres. Storage tanks shall be located not less than one hundred (100) feet from any property line and shall be not less than five hundred (500) feet from any dwelling, school, church or similar use. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located two hundred fifty (250) feet from all property lines. The tank storage area shall be fenced with an eight (8) feet high industrial gauge fence. If the storage property abuts on the side or rear property line containing a residence, the fence shall be screened from

view by a dense growth of evergreens at least five (5) feet in height at the time of planting. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations.

SECTION 716      MOBILE HOME PARKS

The standards and regulations provided herein shall apply to both the development of new mobile home parks and the expansion of existing ones. The development of a mobile home park, including the expansion of an existing one, shall also be deemed as a subdivision or land development and shall be subject to applicable regulations of the Township's Subdivision and Land Development Ordinance. Customary accessory residential uses shall be permitted, along with common areas for use by residents of the mobile home park.

SECTION 717      CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

The following design standards shall apply to the above uses:

- Campgrounds And Recreational Vehicle Parks shall require a minimum lot size of not less than 20 (twenty) acres.
- The spaces or campsites shall be not less than thirty-five (35) feet wide or less than 2,400 square feet in area for each vehicle exclusive of streets and other public areas. The density of the park shall not exceed eight (8) spaces/campsites per acre.
- Campgrounds and/or Recreational Vehicle Parks must meet all Department of Environmental Protection specifications in regard to toilet facilities, sewage dumping facilities and, water facilities.
- No campsite shall be located within two hundred (200) feet of any property line.
- No permanent structure shall be located within one hundred (100) feet of any property line
- There shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation area shall be based upon a minimum of two hundred (200) square feet per each approved campsite or lot.

SECTION 718      DETENTION FACILITIES

The following design standards shall apply to any type of institution which meets The definition of a Detention Facility as defined in Article 2.

- A Detention Facility shall require a minimum lot size of not less than twenty-five (25) acres.
- All buildings and secure areas shall not be less than five hundred (500) feet from any property line.