

# PINE GROVE TOWNSHIP ZONING HEARING BOARD

175 OAK GROVE ROAD, PINE GROVE, PA 17963

August 23, 2018 Workshop Meeting Minutes

Blue additions to Ordinance  
Red correction to Ordinance

**CALL TO ORDER** – Chairwoman Donna Reilly called the August 23, 2018 meeting to order at 6:30 PM with the Pledge of Allegiance. Attending were Board Members Donna Reilly, Michael Guigley, Dale Reichert, 1<sup>st</sup> Alternate Margaret Davenport, and Zoning Hearing Board Secretary Cynthia Hummel.

**DECLARATION OF QUORUM** – A quorum was declared.

**MEETING MINUTES** – Davenport moved to approve the Zoning Hearing Board minutes for August 7, 2018, Guigley seconded the motion, all were in favor and motion carried 4 to 0.

**NEW BUSINESS** – No new business to discuss.

**OLD BUSINESS** – Reilly said we want to address the revisions to the Zoning Ordinance. Reilly mentioned the first item is beehives, she read what the Zoning Hearing Board approved at the June 28<sup>th</sup> Workshop. Reilly proposed we keep this definition and all Board members agreed. The next item discussed was communication towers. The Board reviewed a PSATS example received from Benesch and adopted by another Township. After a discussion, it was decided to replace the current right-of-way definition and add the word “lane” to the definition in the example. It was also decided to add the following definitions and replace §655 with the following information for Communication Towers and Antennae:

## Ordinance Changes

Replace Right-of-Way definition (listed below)

Replace §655 on pages 171-174 (listed below)

## Definitions:

**ACCESSORY EQUIPMENT:** Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar equipment.

**ANTENNA:** Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

**BASE STATION:** A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the Township under this subpart, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iv) The term does not include any structure that, at the time the relevant application is filed with the Township under this section, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

**COLLOCATION:** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**DISTRIBUTED ANTENNA SYSTEMS (DAS):** a network of spatially separated antenna site connected to a common source that provides wireless service with in a geographic area of structure.

**ELIGIBLE FACILITIES REQUEST:** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

**EMERGENCY:** A condition that (i) constitutes a clear and immediate danger to the health, welfare, or safety of the public or (ii) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

**EQUIPMENT COMPOUND:** An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

**FT. WORTH ATTACHMENT:** A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

**HEIGHT, WIRELESS COMMUNICATIONS FACILITY (WCF):** The vertical measurement from the mean level of the ground surrounding the WCF if ground-mounted, or the higher of a roof or parapet if building-mounted, to the highest part of the WCF, Monopole, Tower or other Wireless Support Structure.

**MODIFICATION OR MODIFY:** The improvement, upgrade or expansion of existing wireless telecommunications facilities or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

**MONOPOLE:** A tower which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

**NON-TOWER WIRELESS COMMUNICATIONS FACILITIES (NON-TOWER WCF):** Wireless communications facilities other than Tower-Based Wireless Communications Facilities.

**REPLACEMENT:** The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

**RIGHT-OF-WAY (ROW):** The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, lane, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the Right(s)-of-Way.

**SITE:** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

**STEALTH TECHNOLOGY:** State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

**SUBSTANTIAL CHANGE OR SUBSTANTIALLY CHANGE:** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) it entails any excavation or deployment outside the current site.

**TOWER:** Any structure that exceeds ten feet (10') in height and is built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A Ft. Worth Attachment shall not be considered a tower,

**TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES (TOWER-BASED WCF):** Wireless communications facilities that include the installation of a new tower to support the transmission equipment.

**TRANSMISSION EQUIPMENT:** Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

**WIRELESS:** Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

**WIRELESS COMMUNICATIONS FACILITY (WCF):** The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

**WIRELESS SUPPORT STRUCTURE:** A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support

structure, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

**Ordinance Change:**

**§655 Communications Towers and Antennae**

1. Permitted Uses for Wireless Communication Facilities.

- A. Tower-Based WCFs not located within a right-of way are prohibited in all zoning districts.
- B. Tower-Based WCFs not located within a right-of-way, are permitted by Conditional Use, subject to the requirements of Section 2 and Section 6, in all zoning districts.
- C. Tower-Based WCFs not located within a right-of-way are permitted by right on all land owned by the Township or a Township authority, regardless of zoning district.
- D. Tower-Based WCFs located within a right-of-way are permitted by Conditional Use in the all zoning districts, subject to the requirements of Section 2 and Section 6.
- E. Non-Tower WCFs are permitted by right in all zoning districts and within a right-of-way subject to the requirements of Section 2 and the applicable permit requirements of Section 6. Non-Tower WCF's located within a right-of-way in a residential district or residential area shall be located to the greatest extent possible so that the WCF is not seen directly from any residence.
- F. Eligible Facilities Requests that do not substantially change the tower or base station are permitted by right in all zoning districts and within a right-of-way without regard to the other requirements of this section, Section 2, or Section 6.

2. Bulk and Area Requirements

<b>TOWER BASED</b>			
		<b>WCF out of ROW</b>	<b>WCF in ROW</b>
<b>Height</b>		If permitted in the zoning district, Tower-Based WCFs shall be designed to minimum functional height but not to exceed 200 feet. Applicants must submit documentation justifying the total height. <u>A motion was made by Guigley and seconded by Reichert to keep the height of 200 feet, motion carried, all were in favor 4 to 0.</u>	If permitted in the zoning district, Tower-Based WCFs shall be designed to minimum functional height, not to exceed 40 feet on a new tower or 45 feet on an existing tower, in all zoning districts, and 60 feet in all zoning districts. Applicants must submit documentation justifying the total height.
<b>Lot size</b>	Only use on lot:	Subject to underlying zoning district.	Not Applicable.
	Combined with another use on lot:	Area needed to accommodate the WCF and guy wires (if approved), equipment building or cabinets, security fence, and buffer planting.	Not Applicable.
<b>Setbacks</b>	Towers:	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not Applicable.
	Equipment buildings/cabinets:	Subject to applicable minimum building setback in the underlying zoning district.	Not Applicable.

NON-TOWER BASED			
		WCF out of ROW	WCF in ROW
Height	On building or similar structure:	WCF shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a Conditional Use under Section 6.	Not Applicable.
	On electrical transmission towers, street lights, utility poles, traffic signals, signs and similar structures:	WCF shall not exceed a height of 5 feet above the electrical transmission tower, street light, utility pole, traffic signal, sign and similar structure, unless the SCF obtains a Conditional Use under Section 6.	WCF located above the surface grade shall consist of equipment components designed at the minimum functional height.
Setbacks	Mounted antenna:	Not Applicable.	Not Applicable.
	Equipment buildings/cabinets:	WCF Equipment buildings/cabinets shall comply with the applicable minimum building setback requirements in the underlying zoning district.	Not Applicable.
Lot size	Subject to applicable minimum lot size in the underlying zoning district.		Not Applicable.

3. Design, Construction and Operations

- A. All WCFs shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable federal and state technical and safety codes.
- B. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot.
- C. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communication services.
- D. Collocation. Tower-based WCFs outside of the right-of-way shall be designed to accommodate both the WCF applicant’s antennas and comparable antennas for future users. As a condition of approval for all tower-based WCFs, the WCF applicant shall agree to allow other service providers to collocate antennas on tower-based WCFs where technically and economically feasible.
- E. Signage. Tower-based WCFs not located within the right of way shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Township, and is limited to a maximum size of two (2) square feet. Tower-based WCF’s located within the right of way shall have the same sign or label affixed to either the tower or the WCF, limited to the maximum size necessary to legibly provide the required information. Such signage shall not protrude from the tower or the WCF and is subject to approval by the Township.
- F. Lighting. A tower shall not be artificially lighted beyond what is required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

- G. Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by state law and not to exceed 45 dBA as measured from the nearest property line on which the attached wireless communications facility is located except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis. The use of generators for WCFs within the rights-of-way is prohibited.
- H. Access.
- (1) An access drive and one off-street parking space shall be provided to ensure adequate emergency and service access to tower-based WCFs outside of the right-of-way.
  - (2) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
  - (3) Where possible, access drive construction shall at all times minimize ground disturbance and the cutting of vegetation.
  - (4) Access drive grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
  - (5) Where applicable, the WCF owner shall present documentation to Township that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
  - (6) The access easement shall be a minimum of 20 feet in width and the access drive shall be improved with a dust-free, all weather surface to a width of at least 10 feet throughout its entire length.
  - (7) Vehicular access to the WCF shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot. However, where appropriate and available, existing parking for the principal use may be utilized.
- I. Fencing. A security fence with a minimum height of eight (8) feet shall surround any Tower-based WCF located outside a right-of-way, including guy wires, associated equipment, and buildings. The requirement for a security fence may be waived by the Board where in the opinion of the Board the fence would not be appropriate or feasible. All fencing must be in accordance with the provisions of the Township Code.
- J. Mounting. Any applicant proposing a non-tower WCF to be mounted on a building or any other structure shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure for review by the Township building codes office and/or the Township Engineer for compliance with the building code.
- K. Safety in Rights-of-Way.
- (1) Schedule of operations. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the right-of-way based on public safety, traffic management, physical burden on the right-of-way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  - (2) Emergency. Within 60 days following written notice from the Township, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
    - i) The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way.
    - ii) The operations of the Township or other governmental entity in the right-of-way.
    - iii) Vacation of a street or road or the release of a utility easement.
    - iv) An emergency as determined by the Township.
    - v) No permit is required for such removal, relocation, change or alteration ordered by the Township.

- L. Visual obstruction. All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Township. When feasible, all equipment shall be pole mounted prior to ground mounting the equipment. For WCFs located within the right-of-way, no ground-mounted equipment may extend or protrude past the associated tower to the edge of the curb or cartway.
- M. Maintenance. The WCF applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.
- N. Soil report. A soil report complying with the standards of geotechnical investigations of the Electronics Industry Association and Telecommunications Industry Association, shall be submitted to the Township Engineer prior to construction to document and verify the design specifications of the foundation for the wireless support structure and anchors for the guy wires, if used.
- O. Interference. All WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties. In the event that the WCF causes interference with the radio or television reception within the Township, the WCF applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.
- P. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.
- Q. Inspections.
  - (1) A copy of any inspection report shall be provided to the Township following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.
  - (2) In accordance with and subject to existing law, the Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Chapter and any other provisions found within the Township code, state, or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- R. Historic buildings or districts. A WCF shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.

#### 4. Aesthetics, Landscaping, and Screening

- A. Stealth Technology. The WCF shall employ the most current stealth technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. All utility buildings and accessory structures shall be designed to blend into the environment in which they are situated. All proposed Tower-Based WCFs must provide documentation detailing the proposed stealth technology.
- B. Landscaping Design. Tower-based WCF located outside the right-of-way shall submit a landscape design describing the following:
  - (1) The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
    - (i) An evergreen screen shall be created by planting trees (a minimum of six feet [6'] tall at planting that will grow to a minimum of fifteen feet [15'] tall at maturity) on ten feet (10') centers maximum around the perimeter of the security fence.
    - (ii) Ground mounted equipment associated with, or connected to, a tower-based WCF shall be screened from public view using landscaping and/or screening, as described above.

(iii) In lieu of an evergreen screen, the Board of Supervisors may instead approve the use of an artificial screen, topography, walls, decorative fences or other features. Furthermore, the requirement for evergreen screening may be waived by the Board of Supervisors where in the opinion of the Board the evergreen screening would not be appropriate or feasible. The Board may elect to receive comment and feedback from the Pine Grove Township Planning Commission to assist with the Board's decision.

(iv) Any graffiti on the tower or on any related equipment shall be immediately removed at the sole expense of the WCF owner.

5. Replacement, Collocation, or Modification

A. Notwithstanding the requirements for Tower-Based WCF and Non-Tower Based WCFs, as set forth in this sub-part, an application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility shall be reviewed for conformance with the Township building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved towers shall not be subject to the issuance of new zoning or land use approvals, provided that there is no substantial change.

B. Replacement, collocation or modification of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the applicant obtaining a zoning permit from the Township.

C. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the modification of an existing Tower-Based WCF, resulting in any increase in the overall height of such WCF, Monopole, Tower or other Wireless Support Structure, shall first obtain all necessary permits and approvals from the Township. Non-routine modifications shall be prohibited without prior approval from the Township.

6. Conditional Use and Permit Requirements

A. A permit from the Township shall be required for the construction, erection, modification, replacement or installation of all WCFs and wireless support structures. Within sixty (60) calendar days of the date that a fully completed application for a WCF is received by the Township, the Township shall review the application and advise the applicant if a permit will be issued.

B. In addition to all other permit requirements under this Chapter, a permit application for a WCF shall not be approved or considered complete unless the Township finds that the applicant has complied with all of the following conditions, as applicable:

(1) Collocation. An application for a new Tower-Based WCF outside of the right-of-way shall not be approved unless the Township finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be collocated on an existing or approved structure or building within a one (1) mile radius of the proposed tower-based WCF location to achieve the coverage or capacity objectives of the applicant.

(2) Gap in Coverage, Lack of Adequate Capacity, and Lack of Alternatives. An applicant for a Tower-Based WCF where required must demonstrate that a significant gap in wireless coverage exists or lack of adequate capacity is likely to exist within six (6) months of the filing of its application with respect to the WCF applicant in the area. It shall be incumbent upon the applicant to prove to the reasonable satisfaction of the Board that the applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the applicant's service area and that no other viable alternative location exists.

- (3) Authorization. An applicant for all WCFs shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed facility on the subject property.
- (4) Licensing and applicable regulations. When applicable, an applicant must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses, including the name, address, and emergency telephone number for the operator of the facility.
- (5) Emissions. The applicant shall demonstrate that the proposed WCF, by itself or in conjunction with other WCFs, complies with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.
- (6) Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.
- (7) Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional use hearing or, at a minimum, be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
- (8) Additional Antennas. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.

C. Conditional Use Authorization. Prior to the Board's approval of a conditional use authorizing the construction and installation of a Tower-Based WCF, the applicant must provide the following along with a conditional use application:

- (1) A propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
- (2) Documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety and designed to withstand the effects of wind according to the standard designed by the American National Standards Institute.
- (3) Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to the Board that the owner of the property has granted an easement for the proposed WTF and that vehicular access will be provided to the facility, as set forth in this Chapter.
- (4) Documentation and other evidence demonstrating that the proposed Tower-Based WCF complies with all applicable provisions in this Chapter including but not limited to height requirements, design, construction and operation requirements, safety requirements, and aesthetic, landscaping, and screening requirements.

D. Conditional Use Approval for Tower-Based WCFs in Right-of-Way. In addition to the requirements in Section 4, Tower-Based WCFs located within a right-of-way in the all zoning districts are permitted by Conditional Use unless the primary components of utilities, including but not limited to the main utility lines, are located underground within one hundred feet (100') of the proposed tower or base station. Documentation evidencing the location of surrounding utilities shall be provided by the applicant with the conditional use application.

- E. Permit and Conditional Use Fees. The Township may assess appropriate and reasonable permit and conditional use fees directly related to the actual costs of experts and staff for reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and related costs. The amount of this fee may not be in excess of the actual reasonable costs of such actions.
  - F. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every Tower-Based WCF in a right-of-way is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for the right-of-way use shall be directly related to the Township's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.
  - G. Guy Wires Approval. Guy wires may only used for WCFs upon conditional use approval for the use of guy wires. Documentation evidencing the need for the guy wires and a description of the guy wire installation must be provided by the applicant with the conditional use application.
  - H. Township Planning Commission Review. The Board may elect to receive comment, recommendations, and feedback from the Pine Grove Township Planning Commission to assist with the Board's conditional use decisions.
  - I. Township Standards for Conditional Use Approval. In addition to demonstrating compliance with all requirements of this Article, an applicant seeking conditional use approval must also fulfill all requirements and standards for conditional use approval.
7. Discontinuation, Abandonment and Removal
- A. Nonconforming WCFs. Any nonconforming WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Chapter.
  - B. Discontinuation. In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
    - (1) All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.
    - (2) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the legal or equitable owner of the WCF.
    - (3) Any unused portions of WCFs, including antennas, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.
  - C. Bonding. The facility owner or operator shall post and maintain funds for removal of all structures associated with the WCF in an amount equal to the identified removal costs, as adjusted over time. The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Township. An independent and certified Professional Engineer shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the Township after the first year of operation and every five (5) years thereafter.

8. Permit Processing Time Frames.

A. For a Non-Tower Based WCF:

- 1) Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application.
- 2) Upon submission to the Township of the additional required information, the Township shall within ten (10) days notify the applicant if the application is now complete.
- 3) For those applications for Non-Tower Based WCF's that do not Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within sixty (60) days the Township shall make its final decision on whether to approve the application.
- 4) For those applications for Non-Tower Based WCF's that do Substantially Change the physical dimensions of the wireless support structure to which they are attached as defined by the WBCA, within ninety (90) days the Township shall make its final decision on whether to approve the application.
- 5) The decision of the Township shall be made in writing and provided to the applicant.
- 6) If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's sixty (60) or ninety (90) day review periods, as applicable. These timing requirements in this section shall only apply to proposed facilities that fall under the WBCA.

B. For a Tower-Based WCF:

- 1) Within thirty (30) calendar days of the date that an application for a new Tower-Based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application.
- 2) Upon submission to the Township of the additional required information, the Township shall within ten (10) days notify the applicant if the application is now complete.
- 3) All applications for Tower-Based WCF's shall be acted upon within one-hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the applicant in writing of its decision.
- 4) If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

Reilly said the next item to discuss is Airbnb. Reilly referenced an example of another Township's Short-Term Rental Ordinance and §642 (Bed and Breakfast) in the Pine Grove Township Zoning Ordinance. It was decided to keep the current §642 *Bed and Breakfast* section and to include the following definitions and section for Short-Term Rental/Airbnb/Transient Rentals:

**Definitions:**

**DWELLING UNIT** A dwelling unit as defined by the Pine Grove Township Zoning Ordinance.

**SHORT-TERM RENTAL/AIRBnB/TRANSIENT RENTAL** Any dwelling unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of 30 days or fewer.

**SHORT-TERM RENTAL PERMIT** Permission granted by the Township to utilize a dwelling unit for short-term rental use.

**New Ordinance:**

**§Short Term Rental/Airbnb/Transient Rental**

1. **Permit required.** No owner of any property in Pine Grove Township shall operate a short-term rental in Pine Grove Township without first obtaining a short-term rental permit from the Zoning Officer. Operation of a short-term rental without such short-term rental permit is a violation of this chapter.

## **2. Permit application requirements; issuance; terms and conditions.**

- A. Short-term rental permit applications shall contain all of the following information:
  - (1) The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person, then the owner shall provide a twenty-four-hour telephone number. If the owner uses a managing agency, agent or local contact person, then that managing agency, agent or local contact person shall have written authorization to accept service for the owner.
  - (2) The name, address and twenty-four-hour telephone number of the managing agency, agent or local contact person.
  - (3) Floor plans for the short-term rental unit, including total habitable floor space and total number of bedrooms.
  - (4) If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as short-term rentals.
  - (5) A site plan showing the location and number of on-site parking spaces.
  - (6) If not on a central sewer system, the location, approximate age and capacity of the sewage disposal system. The owner of the property shall supply the Township with a certified evaluation of the septic system and proof that the tank was pumped for approval by the Sewage Enforcement Officer.
  - (7) Copies of current Schuylkill County hotel room excise tax certificate and current Pennsylvania sales and use tax permit.
  - (8) Signatures of both the owner and the local managing agent or local contact person.
  - (9) Trespass waiver signed by the owner allowing access to the property for the Enforcement Officer for the purpose of inspection to verify compliance with this chapter.
  - (10) Copy of the current recorded deed for the property establishing ownership.
- B. A short-term rental permit shall be issued only to the owner of the short-term rental property.
- C. A separate short-term rental permit is required for each dwelling unit; for two-family or multi-family dwellings; a separate permit shall be required for each dwelling unit being rented as a short-term rental.
- D. A short-term rental permit is effective for a period of one year, or until any of the conditions of the short-term rental which are governed by this chapter are changed, whichever shall first occur. A short-term permit must be renewed annually and also when any of the conditions of the short-term rental which are governed by this chapter are changed.
- E. The Township will prescribe forms and procedures for the processing of permit applications under this chapter.

## **3. Standards for operation.**

- A. Overnight occupancy of a short-term rental shall be limited to no more than two persons per bedroom.
- B. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be 75% for the maximum overnight occupancy of the short-term rental.
- C. The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any short-term rental advertising more than five bedrooms shall

provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, short-term rental of the dwelling unit shall be discontinued until the malfunction is corrected in accordance with Township and Pennsylvania Department of Environmental Protection requirements.

- D. Outdoor parking for overnight and day guests shall be limited to available parking areas on the short-term rental property. In no event shall parking for short-term rental guests include spaces in any public street right-of-way or on any lawns or vegetated areas.
- E. Neither short-term rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
- F. The owner shall use best efforts to assure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Pine Grove Township Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the mies regarding short-term rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
- G. The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Pine Grove Township Code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
- H. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the short-term rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the short-term rental is prohibited.
- I. All short-term rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
  - (1) The name of the owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a twenty-four-hour basis.
  - (2) The 911 address of the property.
  - (3) The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.
  - (4) The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.
  - (5) The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.
  - (6) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Pine Grove Township Code, including parking and occupancy limits.
  - (7) Notification that short-term rental occupants and guests are required to make the dwelling unit available for inspection by the Zoning Officer upon request.

- J. All short-term rentals shall be equipped with the following:
  - (1) Smoke detectors in each bedroom;
  - (2) Smoke detectors outside each bedroom in common hallways;
  - (3) Smoke detectors on each floor;
  - (4) GFI outlets for outlets located within six feet of water source;
  - (5) Aluminum or metal exhaust from dryer;
  - (6) Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
  - (7) Carbon monoxide detector if garage is attached;
  - (8) Fire extinguisher in kitchen;
  - (9) Stairs (indoor and outdoor) in good condition; and
  - (10) Any other occupancy requirements which may be added by ordinance revision by the Board of Supervisors.

#### 4. Marketing.

The marketing of a short-term rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this chapter, or which promotes any other activity which is prohibited by this chapter, shall be a violation of this chapter.

Reilly said the previous Zoning Officer, Daniel Bode, suggested an example of “Interpretation and Uses Not Regulated” to be added to the current Zoning Ordinances and to augment “quiet hours” regulations on pages 123 §634.4. After a brief discussion, it was decided to add “Interpretations and Uses Not Regulated” as §105 to the current Zoning Ordinance and not to change the quiet hours since these sections are addressed in the §634.4 *Noise and Vibrations*. The following section was approved to add:

#### **New Ordinance:**

##### §105 Interpretation and Uses Not Regulated

- A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of the Ordinance are in addition to any other applicable Municipal Ordinance.
- B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, or as special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
  - 1. The proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the District
  - 2. The proposed use would be closely similar in impacts and character to uses permitted in that District, considering the standards in §634.
  - 3. The use would meet the standards that would apply under §903.8 to a special exception use, and
  - 4. The use is not specifically prohibited in that District.

Reilly said the next item on the agenda is off the grid living. After a brief discussion the Board discussed off grid living and agreed the current Zoning Ordinance addresses this issue.

Reilly said the Board should review §601 *Erection of More Than One Principal Structure on a Lot*, Guigley corrected the section is §602 not §601. Hummel explained the Township received a request asking if two homes could be placed on one lot, §602 addresses this question in the Zoning Ordinance. This section allows two homes on one parcel as long as a Land Development Plan is submitted to the Planning Commission. Davenport said the County requires them to subdivide the property, if the Township was under County Zoning there would not be a choice. After a brief discussion, it was decided not to change §602.

Reilly said she looked at another Township's definitions and wanted to discuss those definitions that are not included in our current Zoning Ordinance. It was decided to add the following definitions:

## Definitions

**ACCESS DRIVE** - A means of approach or entry to or exit from a lot, a site or a parcel to a street.

**ACCESSORY DWELLING UNIT** - A dwelling unit which has been authorized to be established pursuant to this Chapter, which is occupied by a person or persons related by blood or marriage to the resident/owner of the dwelling unit to which the accessory dwelling unit is subordinate, or which is occupied by a person or persons employed to provide health care, domestic housekeeping or horticultural services to the resident/owner of, and on the site of, the resident/owner's dwelling unit.

**ACCESSORY FOOD OPERATIONS** - Supporting production and/or preparation facilities related to food produced or processed on-site.

**ADDITION** - See "extension."

**ADMINISTRATIVE OFFICE BUILDING** - A building or facility where administrative activities are conducted or social or educational services are provided to the general public.

**ADVANCED AGRICULTURAL RESEARCH** - An indoor, outdoor, educational agricultural research area conducted by an institution of higher education. Uses, structures and activities may include, but are not limited to, events and activities such as exhibits, displays, programs, research, structures, equipment, livestock, poultry, horses, field demonstrations, tours, shows, clinics and workshops related to agriculture, research, extension or education.

**AGE-RESTRICTED UNITS** - Housing that restricts ownership and/or residency to individuals of a certain age range.

**AGRIBUSINESS** – Any business involved in the processing of farm products.

**AGRITOURISM** - The practice of visiting an agribusiness or agricultural operation for the purpose of recreation, education, purchase or involvement in the operation. These operations include those that are for-profit and those that are provided free of charge.

**AGRICULTURE/ENVIRONMENTAL EDUCATION PROGRAM** - The hosting of day and overnight events for students and or guests for farm education.

**AIRPORT/HELIPORT**- An area of land or water or a structural surface which is designed, used or intended to be used for the landing and take-off of airplanes or helicopters, and any appurtenant areas which are designed to be used for airplane or helicopter support facilities, such as maintenance, refueling and parking.

**AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet above sea level. The airport elevation of the airport identified as "University Park Airport" in all locations is 1231 feet.

**AIRPORT HAZARD** - Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

**AIRPORT HAZARD AREA** - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this section and the Pennsylvania Aviation Code, Act 164 of 1984.

**AISLE** - A corridor used for access within a parking lot by motor vehicles to the parking spaces

**ALLEY/LANE** - A narrow vehicular access to the rear of lots providing service areas, utility easements, and access to parking and outbuildings.

**ALLUVIAL** - An alluvial deposit; relating to, composed of or found in alluvium.

**ALLUVIUM** - Clay, silt, sand, gravel or similar detrital material deposited by running water.

**AMBULANCE SERVICE** - A facility for the dispatch, storage, and maintenance of emergency medical care vehicles.

**AMENDMENT** - Any change or revision of the text of this chapter or the Zoning Map.

**AMUSEMENT ARCADES** - A principal use of a building in which player-operated amusement devices, such as pinball machines, video games, coin-operated games, or other similar devices are used by the general public.

**ANIMAL HOSPITAL** - A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits and birds or fowl by a veterinarian. Boarding of such animals shall be for medical or surgical treatment only.

**APARTMENT COMPLEX** - A group of two or more buildings occupying a lot in single ownership, with each building used by three or more families.

**APPLICANT** - A sub divider, landowner or developer who has filed an application for development, including the landowner's or developer's heirs, successors and assigns.

**ARCHIVAL LIBRARY** - A location used for the collection and preservation of books, journals, manuscripts, maps and other materials which are of limited use and circulation. Because use of the materials is strictly controlled, the traffic, and public use is on a much lesser scale than a typical public library.

**ASSISTED LIVING FACILITY** - A residential building or group of buildings designed to provide multifamily dwelling units for elderly or physically or mentally disabled persons who are independently mobile and are not in need of the level of service provided by a personal-care home, but that provides on-site supervision and assistance available to the residents on an occasional, as-needed basis, and where at least one meal each day is provided in a common dining area, and that includes certain design features associated with the needs of the elderly that are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

**ATHLETIC FACILITY** - A private recreation area as defined by this chapter, an arena or a stadium.

**AUTO COURT** - A functional automobile and pedestrian area that is surrounded by a cluster of homes and paved with decorative brick or stone pavers. Auto courts use permeable paving systems, allowing runoff to percolate into and undergo filtration by the subsoil underlying the pavers.

**AUTOMOBILE SERVICE STATIONS AND GARAGE** - The use of land and structures engaged in the retail sale of gasoline, oil, grease, batteries, tires and other motor vehicle accessories, which may also provide minor mechanical repairs and servicing of motorized vehicles.

**AUTO WRECKING, JUNK AND SCRAP ESTABLISHMENT** - The use of land and structures for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material which has been used, salvaged, scrapped or reclaimed, but is capable of being reused in some form, including metals, fiber, paper, cloth and rags, rubber, rope, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe and pipe fittings, tires, motor vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Commonwealth of Pennsylvania, and motor vehicle parts, but not including garbage or other organic wastes.

When the Board discussed the Average Riparian Buffer Width definition it was decided this item needs to be discussed in depth at the September 11<sup>th</sup> Workshop. The Board continued with the missing definitions and decided to add:

**BANK AND FINANCIAL ESTABLISHMENT** - Business including, but not limited to, banking, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.

**BASE FLOOD ELEVATION** - The water surface elevation of the flood level that has a 1% or greater chance of occurrence in any given year.

**BASIC CONVENIENCE COMMERCIAL GOODS AND SERVICE** - Retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location.

**BIRD AND WILDLIFE SANCTUARY** -An area maintained in a natural state for the preservation of both animal and plant life.

**BIORETENTION** - The process in which contaminants and sedimentation are removed from storm water runoff. Storm water is collected into the treatment area which consists of a grass buffer strip, sand bed, ponding area, organic layer of mulch layer, planting soil, and plants. Runoff passes first over or through a sand bed, which slows the runoffs velocity, distributes it evenly along the length of the ponding area, which consists of a surface organic layer and/or ground cover and the underlying planting soil. The ponding area is graded, its center depressed. Water is ponded to a depth of 15 cm (5.9 in) and gradually infiltrates the bioretention area or is evapotranspirationed. The bioretention area is graded to divert excess runoff away from itself. Stored water in the bioretention area planting soil exfiltrates over a period of days into the underlying soils.

**BIO SWALE** - A landscape element, often a planted strip along a street or parking lot, for the purpose of capturing surface water runoff and filtering out silt and pollution before the storm water enters the drainage system or groundwater.

**BOAT/RV STORAGE** - a structure, enclosed on a minimum of three (3) sides constructed prior to the adoption of this ordinance, where the structure is used of storing motorized or non-motorized watercraft and/or recreational vehicles.

**BOUNDARY** -A line marking the limit, or border, of a lot or district.

**BOWLING ALLEY** - An entertainment/recreational venue generally geared to hosting events for the sport of bowling

**BREWERY** - A facility which holds a license to manufacture, store and distribute brewed or malt beverages and which may include a brewery pub or tap room, as regulated by Chapter 47, the Pennsylvania Liquor Code, as amended.

**MICRO BREWERY** - A brewery manufacturing one thousand (1,000) barrels (US barrels) or less per year.

**LARGE BREWERY** -A brewery manufacturing greater than one thousand (1,000) barrels (US barrels) per year.

**BUILDING-INTEGRATED SYSTEM** – A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window opening, and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

**BUILD-TO LINE** - A line, located a specified distance from the front lot line, along which the front of a structure must not transcend.

**BUS PASSENGER STATION** - A facility or location in which the principal use is the handling, receiving and transfer or passenger traffic, and may include as an accessory use the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement, or transfer of freight, as well as all equipment and facilities associated with such activities.

**BUSINESS, PROFESSIONAL AND FINANCIAL OFFICE** - A use, other than a medical office, in which the affairs of a business, profession, or service are conducted including administration, record keeping, consulting, clerical work and similar functions, but not including manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of goods or products, or the sale of goods or, products which are physically located on the premises.

**CALIPER** - As defined by the American Standards of Nursery Stock. Typically, the diameter of a tree at the height of 6 inches from the top of the root bat l. In the case of a multi-stem tree, the caliper is determined by the average of the stems.

**CANOPY TREE** - A tree, either single-stemmed or multi-stemmed (clump form), which has a caliper of at least 2 inches at planting and is of a species which, at maturity, can be expected to reach a height of at least 30 feet. See the Township's official plant list for a listing of permitted canopy trees.

**CENTER LINE** - A line running parallel to and equidistant from both sides of a street.

**CEMETERY** – including crematoriums, necessary sales and maintenance facilities

**CONSERVATION DISTRICT** - The Schuylkill County Conservation District, created under authority of state law to administer soil and water conservation work within Schuylkill County, with the technical assistance of state and federal agencies.

**CERTIFICATE OF REGISTRATION** - The written approval, as issued by the Pennsylvania Department of Environmental Protection, authorizing a person to operate and maintain a mobile home park.

**CHANNEL** - The bed of a single or braided watercourse that commonly is barren of above-water vegetation and is formed of modern alluvium. Channels may be enclosed by banks or splayed across and slightly mounded above a fan surface and include bars and dumps of cobbles and stones.

**CHANNEL BANK** - The sloping land bordering a channel. The bank has steeper slope than the bottom of the channel and is usually steeper than the land surrounding the channel.

**CHANNEL CAPACITY** - The maximum rate of flow that may occur in a stream without causing overbank flooding; the maximum flow which can pass through a channel without overflowing the banks.

**CIDERY** - Any place or premises wherein cider (alcoholic or non-alcoholic) is manufactured and/or bottled for local, regional or national distribution as well as package sales.

**CIGAR, HOOKAH, AND/OR VAPOR LOUNGE** - A business establishment specializing in selling patrons flavored tobacco, tobacco-like or tobacco-inspired products to be consumed on the premise, and which may sell food and non-alcoholic beverages as a secondary function.

**CIVIC** - The term defining not-for-profit organizations dedicated to the arts, culture, education, recreation, and/or government.

**CIVIC BUILDING** - A building designed specifically for a civic function.

**CLUSTER** - A grouping together of lots with a minimum perimeter.

**COMMERCIAL DAIRY** - The use of land and structures for the manufacture, and processing of dairy products.

**COMMONS** - A spatially defined element of usable open space distributed strategically within a community such that it provides a focal point for residences as well as a gathering place for residents and an assembly area for community functions. Permanent structures directly related to the intended function of a commons may be included in this space in addition to landscaping and lighting elements which are essential to its function.

**COMMUNITY CENTER** - A facility designed to provide one or more community services to a clientele from the surrounding neighborhood.

**COMMUNITY GARDEN** - An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**COMMUNITY SCALE SOLAR** - A solar-electric system that, through a voluntary program, provides power and financial benefit to, or is owned by, multiple community members.

**COMMUNITY SUPPORTED AGRICULTURE** - A system that connects agricultural producers and consumers by allowing consumers to subscribe to the harvest of a certain farm or group of farms for a fee.

**COMPLETELY DRY SPACE** - A space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONICAL SURFACE** - An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to one foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown as part of the Airport Hazard Overlay, is based on the conical surface.

**CONFERENCE CENTER** - A facility that is constructed for and devoted to accommodating meetings by providing meeting space.

**CONSERVATION AREA** - A defined area which is being held for the purpose of natural resource protection and/or the raising and protection of game. Activity within these types of areas may include, but is not limited to, hunting, trapping, walking paths and educational centers.

**CONSERVATION EASEMENT** - An area designated for public access to a conservation area so that maintenance may occur.

**CONSTRUCTION** - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

**COOL ROOF** - A cool roof reflects and emits the sun's heat back to the sky instead of transferring it to the building below. "Coolness" is measured by two properties, solar reflectance and thermal emittance. Roofs with a Solar Reflectance Index (SRI) value greater than or equal to 78 for low-slope roofs, and 29 for steep-slope roofs, covering at least 75% of the roof area. A lower SRI is allowed if more than 75% of the roof is covered, using a weighted formula. A cool roof surface may also be installed in concert with a vegetated roof. See the U.S. Green Building Council's LEED Green Building Rating System for details.

**COUNTRY CLUB** - A club that may include a combination of outdoor and indoor recreation, dining and/or supporting facilities for members, their families, and invited guests.

**CURB RETURN** - A curved curb connecting the tangents of two intersecting curbs of streets or driveways.

**DATA COLLECTION UNIT** - Any ground-mounted structure that is designed and constructed primarily for the purpose of data collection including self-supporting lattice towers, guyed towers or monopole towers. The term includes structures used to wirelessly read utility meter and for other remote monitoring purposes. For the purposes of this chapter, the term includes facilities that are not solely under the jurisdiction of the Pennsylvania Public Utility Commission, except where permitted by law. The term includes the structure and any supporting structures thereto.

**DAY/OVERNIGHT CAMP**- A defined area which includes the facilities for recreation or instruction of children/adults. Facilities within this type of camp may include, but are not limited to, cabins, administrative buildings, dining halls, all-purpose buildings, pavilions, swimming pools and stables.

**DECK** - A structure which may or may not be enclosed and which projects out from the main wall of a building or structure and does not have a roof.

**DEP** - The Pennsylvania Department of Environmental Protection (DEP), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

**DUPLEX RESIDENTIAL UNIT** - Single family semi-detached dwelling unit.

**EATING AND DRINKING ESTABLISHMENT** - A place open to the general public for the sale and consumption on the premises of food and/or beverages, which includes restaurants, bars, and tavern establishments.

**ELDER COTTAGE/IN-LAW QUARTERS/CARRIAGE HOUSE (ACCESSORY DWELLING UNIT)** - An apartment, not less than 600 square feet, sharing utility connections with a principal building. Such unit(s) may be within an outbuilding (usually located toward the rear of the same lot as the principal building). These accessory dwelling units do not count toward density calculations.

**ERECTION** - Construction or assembly.

**ERICACEOUS/BROADLEAF EVERGREEN** - plants such as rhododendron, azaleas, holly, mountain laurel and blueberries. If these plants are to be used onsite, soil pH testing must be completed to determine the required amendment of the soil.

**EROSION AND SEDIMENTATION** - Erosion, the process by which the land surface and/or subsurface is worn away by the action of natural elements; sedimentation, the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity.

**ESSENTIALLY DRY SPACES** -A space that will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**ESSENTIAL SERVICES** - A structure, building or appurtenant facility owned and maintained by a utility for the operation and maintenance of a utility's service. For the purposes of this chapter, such facilities include building or structures such as electric substations, water treatment plants, water towers/tanks/reservoirs or pumping stations, sewage disposal or pumping plants and other similar structures. Facilities for the distribution of utility services, including gas, electric, steam, water, sewage, telephone and similar services are also included in this definition. Power-generation facilities, resource- extraction activities and communication antennas are not included in this definition.

**EXERCISE AND FITNESS CENTERS** - A business establishment where patrons use weights, machines, or other such equipment or floor space for the purpose of physical exercise and/or wellness. Exercise and fitness centers may include health spas and concession stands.

**EXHIBIT HALL AND MUSEUM** -A facility for the public display of items, materials, or information that is related to some historic, educational, cultural, entertainment, or scientific purpose or a building cultural significance and whose interpretation relates primarily to the building's architecture, furnishings and history. This term includes related accessory uses (e.g. restaurant, gift shop, etc.) so long as these remain incidental to the primary exhibit hall or museum use.

**EXTENSION** - An addition to the floor area of an existing structure, an increase in the size of a structure, or an increase in that portion of a lot occupied by an existing use; an enlargement.

**FAA** - Federal Aviation Administration of the United States Department of Transportation.

**FACING WALLS** - (1) Walls of a structure opposite to and parallel with one another, or (2) wall lines, or wall lines extended of opposite walls intersecting at angles of less than 65°.

**FAMILY CARE**- The provision of care in accord with regulations of the appropriate state agency(ies) for up to three mentally ill or disabled children or adults or elderly persons in a dwelling unit by a provider who resides in that unit.

**FAMILY CHILD CARE HOME**-A residence in which out-of-home care is provided, as an accessory use, at any one time, for part of a twenty-four-hour day, for up to and including six children who are not related to the operator and who are 15 years of age or younger. This definition does not apply to: care provided in the home of someone who is a relative to all of the children being cared for or care provided by a relative in the home of children whom are all related to each other and to the relative.

**FARM CAFÉ** - An eating establishment that prepares and serves food grown on-site as defined by the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm cafe is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and empowering farmers to undertake entrepreneurial endeavors which augment, support and highlight local agriculture.

**FARM MARKET** - The offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of enclosed and open-air facility.

**FARM STAND** - A stand that sells fresh agricultural produce.

**FARM STRUCTURES, TRADITIONAL-SCALE**- buildings and facilities 25,000 square feet and less in area that are typically for farm-related activity and typically found on land designated to farm-related activity.

**FARM STRUCTURES, NON-TRADITIONAL -SCALE** - buildings and facilities greater than 25,000 square feet that are typically for farm-related activity and typically found on land designated to farm- related activity.

**FARM USE** - The use of land and structures for one or more of the following: the tilling of the land, the raising of crops, fruits and vegetables, and the raising and keeping of livestock and poultry; horticultural uses related to the raising, propagating and selling of trees, shrubs, flowers, and other plant materials; forestry uses related to the harvesting of lumber products.

**FISH HATCHERY** - A facility for the artificial breeding, hatching and initial growing of finfish and shellfish.

**FIREWOOD** - Trunks and branches of trees and bushes, not including leaves, needles, vines or brush smaller than three inches in diameter.

**FLICKER** - A repeating cycle of changing light intensity.

**FLOODWAY** - The designated area of floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this section, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**FLOOD WATER** - Waters which escape from streams or other bodies of water and over low adjacent lands, as distinct from runoff.

**FOOD CATERING** - A business establishment which prepares and serves meals or refreshments for entertainment primarily off the premises.

**FOOD TRUCK** - A licensed, self-contained, motorized vehicle or mobile food unit (unit that does not travel under its own power) which is temporarily permitted to park in a designated area of an established use in permitted zoning district within Pine Grove Township in a location approved by the property owner. Ice cream trucks are exempted from this chapter.

**FREIGHT AND TRUCKING TERMINAL** - a facility for the receipt, transfer, short-term storage and dispatching of freight and goods transported by truck.

**FRONTAGE** - The portion of a lot boundary abutting a street.

**GAME FARM** - A farm where a variety of wild animals are kept or bred, often with facilities for visitors to observe and/or hunt.

**GENERAL AGRICULTURAL ENGINEERING RESEARCH** - Systematic investigation to establish new facts and principles for improvement of the engineering needs of modern agriculture and agribusiness. Includes digital mapping, frost protection research and soil erosion and nutrient transport research.

**GENERAL AGRICULTURAL RESEARCH** - Systematic investigation to establish new facts relating to agriculture agribusiness, rural communities and institutions. Includes general farming, land tillage, cultivation, irrigation, fertility, insect/plant interactions and pest management. Fertilizers, compost, manures and pesticides are applied as needed.

**GENERAL FARMING** - One or more areas of land operated as a unit as a principal use for the purpose of producing agricultural, horticultural, floriculture, vegetable and fruit products of the soil, livestock, meats, poultry, eggs, dairy products, nuts, honey, wool and hides, but shall not include the breeding, raising, or maintaining of furbearing animals, or abattoirs, riding academies, livery stables or animal kennels.

**GENERAL FISH AND MAMMAL RESEARCH** - Systematic investigation to establish new facts relating to fish and mammals in various ecosystems. Includes experiments on biology, including reproduction and growth.

**GENERAL SOIL, IRRIGATION AND BIOLOGICAL ENGINEERING RESEARCH** – Systematic investigation to establish new facts and principles relating to the qualities of our soil and biology.

**GENERAL SOIL, IRRIGATION, AND WATER RESEARCH** - Systematic investigation to establish new facts and principles relating to the qualities of our soil and water resources. Includes general farming, land tillage, cultivation, irrigation, fertility and pest management. Fertilizers, manures and pesticides are applied as needed.

**GENERAL WEATHER, RADIO AND SATELLITE RESEARCH** - Systematic investigation to establish new facts relating to meteorological information, antenna design and research and radio propagation research.

**GREEN** - A spatially defined element of usable open space designed to serve a variety of outdoor leisure and assembly needs. Greens may be distributed throughout the open space network to enhance the form, appearance and function of this element of the community. Landscaping, lighting, and accessory structures integral to the function of the green shall be inclusive elements of the definition.

**GREEN ROOF** - A roofing system that utilizes vegetation to absorb rain water and reduce heat reflection.

**GROCERY STORE**- Retail location for the purveying and/or selling of predominantly food stuffs and other related living essentials.

**GROSS** - The total amount.

**GROUND-MOUNTED SYSTEM** - A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

**GROUP CHILD CARE HOME** - A residence in which out of home care is provided, as an accessory use, at any one time, for part of a twenty -four-hour day to more than six but fewer than 16 older school- age children or more than six but less than 13 children of any other age. This definition does not apply to: care provided in the home of someone who is a relative to all of the children being cared for or care provided by a relative in the home of children whom are all related to each other and to the relative.

It was decided at the next Workshop meeting to review the definitions starting with group homes and riparian.

**CORRESPONDENCE** – No correspondence received.

**ADJOURNMENT** - Guigley made a motion to adjourn the meeting at 8:00 PM. Reichert seconded, all were in favor and motion carried 4 to 0.

Respectfully Submitted,

Cynthia Hummel  
Zoning Hearing Board Secretary

Approved on September 11, 2018 at Planning Commission Meeting

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