

[01.27.11]

**ORDINANCE NO. 141**  
**ADAMS TOWNSHIP, BUTLER COUNTY, PA**

AN ORDINANCE AMENDING CHAPTER 192, ZONING, OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF ADAMS, ADDING NEW TERMS AND DEFINITIONS, SUPPLEMENTING ADULT BUSINESS REGULATIONS, ADDING PROVISIONS FOR TIMBER HARVESTING, REVISING INTERIOR CIRCULATION FROM CONTIGUOUS PARKING AREAS, STANDARDS PROVIDING REGULATIONS FOR WIND-ENERGY CONVERSION SYSTEMS, ADDING REVISED DIMENSIONAL STANDARDS, REVISING STANDARDS FOR SIGNAGE, PROVIDING MINOR TEXT REVISIONS FOR CERTAIN PRINCIPAL AND ACCESSORY USES, ADDING PROVISIONS FOR THE OPERATION OF GAS AND OIL EXTRACTION ACTIVITIES, ADDING OPTIONS FOR HOME-BASED BUSINESSES, REVISING CERTAIN OVERLAY DISTRICT PROVISIONS AND DELETING INCONSISTENT TEXT.

WHEREAS, the Board of Supervisors have determined that certain revisions, additions and deletions to Chapter 192, Zoning, of the Code of Ordinances of Adams Township are warranted; and

WHEREAS, Township staff has been directed to identify such text revisions for review by the Adams Township Planning Commission; and

WHEREAS, said text changes are deemed to be in the best interests of present and future Township residents; and

WHEREAS, external growth pressures in Adams Township requires the continued monitoring of development standards in order to protect the health, safety, and welfare of present and future Township residents;

NOW, THEREFORE, be it ordained and enacted by the Township Board of Supervisors, and it is hereby ordained and enacted by the authority of the same as follows:

**SECTION 1: In Article II, Definitions and Terms, Section 192-6, Specific Definitions, the following revised definition is hereby added to read as follows:**

**HOME OCCUPATION:** An activity carried out for monetary gain by a resident conducted as a customarily incidental and accessory use in the residents dwelling unit, excluding instruction in any form of exotic, erotic or aerobic dancing.

**SECTION 2: In Article II, Definitions and Terms, Section 192-6, Specific Definitions, the definition of "Home Office" is hereby deleted and the following new definitions are hereby inserted alphabetically to read as follows:**

**BUILDING ATTACHMENT:** That construction connecting a principal structure with an accessory structure, including but not limited to, a breezeway or carport.

**BALCONY:** A platform projecting from a building façade.

**MINERALS:** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat but not including crude oil and natural gas.

**OIL AND GAS RESOURCES:** Nonmetallic, nonrenewable substances including liquids such as petroleum and gases such as natural gases, occurring in their natural state on or below the surface of the earth and having commercial value.

**SECTION 3: In Article II, Definitions and Terms, a new Section 192-6, Specific Definitions, the following new definitions are hereby added to read as follows:**

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

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

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

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

WIND ENERGY CONVERSION SYSTEM (WECS) - Any device including, but not limited to, a wind charger, wind turbine or windmill that is designed to convert wind power into another form of energy such as electricity or heat.

**SECTION 4:** In Article IV, Zoning District Regulations, Section 192-15, RC Rural Conservation District, Subsection C, Accessory Uses, a new Subsubsection (9) is hereby added to read as follows:

(9) Wind Energy Conversion Systems (WECS) – See Section 192-54, Subsection I.

**SECTION 5:** In Article IV, Zoning District Regulations, Section 192-15, RC Rural Conservation District, Subsection G(2) is hereby revised to read as follows:

(2) Conditional Uses: Maximum two (2) residential dwelling units per gross acre.

**SECTION 6:** In Article IV, Zoning District Regulations, Section 192-16, RAL Residential Agricultural, Low-Density District, Subsection C, Accessory Uses, a new Subsubsection (9) is hereby added to read as follows:

(9) Wind Energy Conversion Systems (WECS) – See Section 192-54, Subsection I.

**SECTION 7:** In Article IV, Zoning District Regulations, Section 192-17, RAM Residential Agricultural, Moderate Density District, Subsection C, Accessory Uses, a new Subsubsection (9) is hereby added to read as follows:

(9) Wind Energy Conversion Systems (WECS) – See Section 192-54, Subsection I.

**SECTION 8:** In Article IV, Zoning District Regulations, Section 192-19, R-2 Residential District, Subsection E, Uses by Special Exception, (1) Temporary Second Dwelling (See §192-50A), is hereby deleted and (2) Day Care Center, children or adult (See §192-50E) is hereby renumbered (1).

**SECTION 9:** In Article V, Overlay Zoning Districts, Section 192-37, Subsection D, Adaptive Reuse, the word "temporary" is hereby deleted.

**SECTION 10:** In Article V, Overlay Zoning Districts, the chart in Section 192-39, Minimum Dimensional and Site Design Standards, is hereby revised in part and as specified, to read as follows:

Minimum Building Setbacks	Transition	Preservation
Building setback from property line parallel with Route 228	10	10

Text Deleted	Minimum access road right-of-way (including bufferyard) (feet)	--	--
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Buffer Landscaping:		
Abutting Route 228 (Bufferyard F) (feet)	25' planted area 15' within 40' right-of-way	25' planted area 15' within 40' right-of-way
Abutting rear and side property line (Bufferyard G) (feet)	15' planted area	15' planted area
Building Height:	3 stories except T-4 which is 2 stories	3 stories

**SECTION 11: In Article VII, Conditional Uses, Section 192-47, Specific Criteria for Conditional Uses in Commercial, Business and Industrial Districts, Subsection A(1) and the accompanying graphic are hereby revised to read as follows:**

- (1) Facades greater than one hundred feet (100') in length, measured horizontally, shall incorporate wall-plane projections or recessing having a depth of at least two percent (2%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade, in total. No uninterrupted length of any facade shall exceed twenty (20) horizontal feet.

Graphic text to read as follows, other text deleted:

Projections/recesses shall comprise at least twenty percent (20%) of facade length in the aggregate, with a minimum depth of two percent (2%) of the facade length.

**SECTION 12: In Article VII, Conditional Uses, Section 192-47, Specific Criteria for Conditional Uses in Commercial, Business and Industrial Districts, Subsection A(2) and the accompanying graphic are hereby revised to read as follows:**

- (2) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than ten percent (10%) of their horizontal length.

Graphic text to read as follows, other text deleted:

Surface variations such as these shall total ten percent (10%) of the facade length in the aggregate, for any facade abutting a public street.

**SECTION 13: In Article VII, Conditional Uses, Section 192-47, Specific Criteria for Conditional Uses in Commercial, Business and Industrial Districts, Subsection A(7) is hereby revised to read as follows:**

- (7) Predominant exterior building materials shall not include smooth-faced concrete block or unfinished reinforced concrete walls.

**SECTION 14: In Article VII, Conditional Uses, Section 192-47, Specified Criteria for Conditional Uses in Commercial, Business and Industrial Districts, Subsection A(9), Paragraphs (a), (b) and (c) are hereby revised to read as follows:**

- (a) All principal uses shall be conducted within an enclosed building, or covered area with the exception of an exterior patio used in conjunction with food services.

- (b) No use or group of uses shall be permitted to present live performances with sound reinforcement amplification on the exterior of the premises.
- (c) No driveway providing access to a use or group of uses or required parking areas shall be located within fifty feet (50') of a residentially zoned lot.

**SECTION 15: In Article VII, Conditional Uses, Section 192-47, Specific Criteria for Conditional Uses in Commercial, Business and Industrial Districts, Subsection B, Adult Uses – I District, is hereby deleted in its entirety and the following text inserted in its place:**

**B. Adult Businesses:**

- 1. No sexually oriented business shall be located outside the I Industrial District. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated an adult business outside of the I Industrial District.
- 2. Any sexually oriented business lawfully operating on the date of enactment of this Ordinance that is in violation of Subsection (a) above shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use.
- 3. Persons or owners who intend to open an adult business must obtain from the Township a license to operate such an establishment pursuant to current Township regulations and this Section, and must pay to the Township an investigation fee as may be set from time to time by resolution of Township Supervisors. In addition, such persons or owners must supply to the Township detailed information as to the ownership and financing as required to operate such business.
- 4. An adult business shall be initially licensed, where it has met the current requirements through December 31st of the year in which the license is issued. For each year thereafter that the adult business intends to continue as an adult business, it must seek from the Township a renewal of the license. The lack of a valid license at any time shall be a proper basis for the Township to deny or revoke an occupancy permit to an adult business.
- 5. Any adult business found to be in violation of this Section shall be subject to the enforcement penalties of this Zoning Ordinance and all related ordinances and pursuant to Pennsylvania law.
- 6. Adult businesses shall not be located within three hundred (300) linear feet of any property which is zoned residential or from any

other existing or proposed adult business. In addition, no adult business shall be located within three hundred (300) linear feet of the property boundary line of the following uses:

- (a) Public or private school (existing).
- (b) Day-care center.
- (c) Hospital.
- (d) Group care facility.
- (e) Nursery school.
- (f) Public park or playground.
- (g) Church (place of worship).
- (h) Establishment licensed to serve or sell alcoholic beverages.

7. Signage: Notwithstanding any other provision of this Township Zoning Ordinance, it shall be unlawful for any owner or operator of any adult business or any other person to erect, construct, or maintain any sign for the regulated establishment other than one "Primary Sign." Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:

- (a) The name of the regulated establishment and/or
- (b) One or more of the following phrases:
  - (i) Adult bookstore;
  - (ii) Adult movie theater;
  - (iii) Adult encounter parlor;
  - (iv) Adult cabaret;
  - (v) Adult lounge;
  - (vi) Adult novelties;
  - (vii) Adult entertainment; or
  - (viii) Adult modeling studio.
- (c) Primary signs for adult movie theaters may contain the additional phrase, "Movie Titles Posted on Premises."
- (d) Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background on the display surface of the primary sign shall be of a uniform and solid color.

- (e) No materials, merchandise, film offered for sale, rent, lease or loan or for view upon the premises shall be exhibited or displayed outside of a building structure.
  - (f) Any building or structure occupied as an adult business shall be windowless, or have any opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited. No materials or film shall be visible from outside of the building or structure.
8. Any adult business which exhibits on the premises film, digital video display, or other method of image production which depicts nudity or sexual conduct shall comply with the following:
- (a) At least one employee shall be on duty at all times that any patron is on the premises.
  - (b) Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
  - (c) No viewing room shall be occupied by more than one person at any time.
  - (d) No connections or openings to adjoining viewing rooms shall be permitted.
  - (e) A minimum of one footcandle of illumination measured at floor level shall be provided in every area where patrons are permitted access.
  - (f) Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
  - (g) Alcoholic beverages shall not be sold on the premises of an adult business, unless the operator has been issued a valid, current permit or appropriate license from the Commonwealth.
9. Injunction: A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this Section is subject to an action in equity or a suit for injunction as well as citations for violations of this Zoning Ordinance.

**SECTION 16: In Article VIII, Uses by Special Exception, Section 192-50, Specific Criteria for Special Uses in Residential Zones, Subsection A, Temporary Second Dwelling," is hereby revised to read as follows:**

- A. Temporary second dwelling, RC, RAL, RAM and R-2 Districts.



**SECTION 17:** In Article IX, Supplementary Regulations, Section 192-52, Lot, Building Setback and Bulk Regulations, Subsection E, Building Setback Exceptions, Paragraph (2) is hereby revised to read as follows:

- (2) Balconies on second and/or third floor levels and outdoor accessways may project not more than three feet (3') into any required setback area.

**SECTION 18:** In Article IX, Supplementary Regulations, Section 192-52, Lot, Building Setback and Bulk Regulations, a new Subsection F, titled "Attachments Between Structures" is hereby added to read as follows:

**F. Attachments Between Structures:**

- (1) Said attachment shall comply with all dimensional standards applicable to the principal structure, including but not limited to, height, front, side and rear setbacks and lot coverage.
- (2) Said attachment shall be permanently anchored to both structures whether principal or accessory, and whether erected in conjunction with the initial permitted construction or added later.

**SECTION 19:** In Article IX, Supplementary Regulations, Section 192-53, Landscaping and Bufferyard, Subsection J, Paragraph 4, General Requirements, Subsubsection (b), Retaining Walls, the last sentence which reads "Retaining walls shall not exceed five feet in height" is hereby deleted.

**SECTION 20:** In Article IX, Supplementary Regulations, Section 192-53, Landscaping and Bufferyard, a new Subsection M, titled Forestry/Logging Activities, is hereby added to read as follows:

**M. FORESTRY/LOGGING ACTIVITIES**

**(1) Permit Procedures:**

- (a) A permit, issued by the designated Adams Township personnel, shall be required for all logging or forestry activities.
- (b) A review of the forest management or forest harvesting plan by the Township Planning Commission shall precede the issuance of any logging permit.
- (c) Two (2) copies of the management or harvesting plan shall be submitted to the Codes Enforcement Officer a minimum of thirty (30) days prior to a regularly scheduled meeting of the Township Planning Commission,

accompanied by an administrative fee as set by the Township Supervisors.

- (d) Failure to secure such permit prior to initiating the logging activity or upon receipt of notice to do so, shall result in the filing of enforcement action against the property owner and operator.
- (e) For each day that a violation of these provisions continues beyond the compliance date, penalties as provided for in Section 192-86, Violations and Penalties, Enforcement Remedies of this Chapter shall be imposed.

(2) Logging and the Cutting of Trees:

- (a) Logging shall be done only in accordance with a forest management or forest harvesting plan prepared by a forester or qualified professional, a copy of which plan shall be filed with the Township Secretary. All forest management and harvesting plans and the logging operation itself shall comply with the following requirements:
  - i. An erosion and sedimentation plan shall be submitted prior to the start of logging operations.
  - ii. All cutting, removing, skidding and transporting of trees shall be planned and performed in such manner as to minimize the disturbance of or damage to other trees and vegetation and the land itself.
  - iii. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
  - iv. Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
  - v. Where possible, stream crossings shall be avoided but where deemed necessary, crossings shall be made at a right angle across suitable culverts or bridges.
  - vi. Skidding across live or intermittent streams is prohibited except over bridges or culverts.
  - vii. Buffer zones of appropriate dimensions shall be maintained on the property on which the logging operation is being conducted along all streets and abutting properties, and around streams or springs on the tract being logged.
  - viii. Everything practical shall be done to prevent damage or injury to young growth and trees not designated for cutting.
  - ix. All limbs and stubs shall be removed from felled trees prior to skidding.
  - x. No trees shall be left lodged in the process of felling.
  - xi. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the

express written consent of the Township in the case of Township roads and streets, or the Pennsylvania Department of Transportation in the case of State highways.

- xii. Tops to a maximum height of four feet (4') or slash remaining in buffer areas shall be disposed of by the contractor or property owner.
  - xiii. The stumps of all felled trees shall be permitted to remain in the soil for stabilization purposes.
  - xiv. During periods of abnormal forest fire danger, as determined by the Emergency Management Coordinator of Butler County or Township Supervisors, the Township shall have the right to order a suspension of logging operations until the danger subsides.
  - xv. Littering is prohibited and during and upon completion of a logging operation all cans, bottles, paper, garbage and other litter of any type shall be removed from the property.
  - xvi. Upon completion of a logging operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked except as necessary for the passage of appropriate vehicles.
  - xvii. The use of Township roads will require the posting of a bond for logging vehicles.
- (b) Before the logging operation begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree shall be felled which has not been designated for removal on the forest management plan as finally approved by the Planning Commission.
  - (c) The holder of a permit to conduct a logging operation shall notify the Township, in writing, by fax, or telephone, within one (1) week before the cutting of trees is to begin in connection with the construction of roads or trails, weather permitting.
  - (d) The holder of a permit to conduct a logging operation shall notify the Township, in writing, by fax, or telephone, within one (1) week before the cutting of trees for removal from the site is to begin, weather permitting.
  - (e) The holder of a permit to conduct a logging operation shall notify the Township at least one (1) week in advance of the expected completion date of the logging operation, and shall notify the Township immediately upon said operation's completion, weather permitting.
  - (f) The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed logging operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation.

- (g) After a permit for a logging operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the logging operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Section.
  - (h) The holder of a permit to conduct a logging operation shall be notified of an inspection within a week of its scheduled date or a minimum of forty-eight (48) hours prior to said site inspection.
- (3) Contents of the Forest Management or Forest Harvesting Plan:
- (a) Minimum requirements: As a minimum, the logging plan shall include the following:
    - i. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and log landings;
    - ii. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bags;
    - iii. Design, construction, and maintenance of stream and wetland crossings;
    - iv. A stand prescription for each stand located in the proposed harvest area; and
    - v. The general location of the proposed operation in relation to Township and Commonwealth roads, including any accesses to those roads.
  - (b) Map: Each logging plan shall include a site map containing the following information:
    - i. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property; areas proposed for clear cutting shall be clearly delineated on the site map.
    - ii. Significant topographic features related to potential environmental problems;
    - iii. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
    - iv. Location of all crossings of waters of the Commonwealth; and
    - v. The general location of the proposed operation to Township and Commonwealth roads, including any accesses to those roads.
  - (c) Compliance with State law: The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:
    - i. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et. seq.);

- ii. Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.); and
  - iii. Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. § 680.1 et. seq).
- (d) Relationship of State Laws, Regulations, and Permits to the Logging Plan: Any permits required by the Commonwealth laws and all applicable regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the logging plan and associated map specified in this Section.

**SECTION 21:** In Article IX, Supplementary Regulations, Section 192-54, Accessory Uses, Subsection E, the phrase "Accessory Dwellings or" is hereby deleted and the Subsection now begins with the phrase "Temporary Second Dwellings.

**SECTION 22:** In Article IX, Supplementary Regulations, Section 192-54, Accessory Uses, Subsection H, the prefatory paragraph is hereby revised to read as follows:

Home occupations and home based businesses, as defined, shall be considered permitted accessory uses in all zoning districts, whether the principal dwelling use accommodating such accessory use is conforming for the district or legally nonconforming.

**SECTION 23:** In Article IX, Supplementary Regulations, Section 192-54, Accessory Uses, a new Subsection I, titled Wind Energy Conversion Systems (WECS), is hereby added to read as follows:

**I. WIND ENERGY CONVERSION SYSTEMS (WECS):**

- (1) Where such use is permitted as an accessory use, any WECS shall comply with the following criteria:
  - (a) In order to insure safety to adjoining properties, all WECS shall require a zoning permit issued by the Zoning Officer after his review of proposed construction plans and operational data relative to the proposed WECS.

- (b) The applicant shall submit the following information to secure a zoning permit:
  - i. Construction plans prepared by a registered engineer showing the location of the proposed tower and related equipment for the WECS, The type of materials used to construct the tower or pole on which the WECS will be mounted; all manufacturer's data relative to the complete operational characteristics of the WECS including but not limited to safety and performance standards and/or characteristics, noise characteristics, and supplemental information as requested by the Zoning Officer.
  - ii. A recorded plat demonstrating that the parcel on which a ground-mounted WECS is proposed, is a minimum of one (1) acre in area (43,560 square feet) and a minimum of one-half acre (21,780 square feet) for a WECS proposed to be mounted on an existing principal or accessory structure.
  - iii. Dimensions to scale demonstrating that a WECS proposed to be mounted on an existing principal or accessory structure shall not exceed the maximum height, when combined, of a structure permitted in the zoning district.
- (c) All WECS towers, poles, or supporting structures shall be set back from all property lines a minimum distance of 1.25 times the total height of the tower or pole and all equipment mounted thereon from all adjacent property lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.
- (d) All WECS towers or poles shall be enclosed by a six (6) foot fence with a lockable gate entry. The climbing apparatus for the tower or pole shall be permanently affixed to the tower or pole.
- (e) WECS operations shall not cause interference to television or radio reception on neighboring properties. The Township reserves the right to suspend and/or rescind the zoning permit if such interference is confirmed and is a nuisance to neighboring property owners.
- (f) WECS operations shall not exceed sixty dba measured at the lot boundary line of adjacent properties. The Township reserves the right to suspend and/or rescind the zoning permit if it is determined by the Zoning Officer the noise characteristics and/or levels generated by a particular WECS exceed the standard enumerated herein.
- (g) WECS operations shall not constitute an undue safety hazard to neighboring properties due to repeated failure and/or breakage of the rotor blade(s). If in the opinion of the Township Engineer such a safety hazard and/or nuisance exists, the Township reserves the right to suspend and/or rescind the zoning permit until the safety hazard(s) have been corrected to the satisfaction of the Township Board of Supervisors.

**SECTION 24:** In Article IX, Supplementary Regulations, Section 192-56, Off-Street Parking and Loading, Subsection E, Commercial Parking, Paragraph (2) is hereby deleted in its entirety and the following inserted in its place:

- (2) Off-Street parking areas on adjacent or abutting properties shall be physically connected via an access lane designed to the specifications enumerated in Subsection B, and identified on the recordable land development plan as a reciprocal ingress and egress easement.
  - a) Where intervening undeveloped lots can accommodate parking areas accessible from developed or developing lots, the reciprocal easement shall be extended to the property from the developed or developing lots.
  - b) Where successive phased development is proposed and approved on a single lot, parking areas shall be connected from phase to phase as a condition of the initial land development approval.

**SECTION 25:** In Article IX, Supplementary Regulations, a new Section 192-63, titled **Extractive Industry Operations**, is hereby added and all subsequent sections renumbered consecutively, to read as follows:

**§192-63 Extractive Industry Operations**

- I. There shall be no surface operation related to the removal of natural gas, oil, coal or other minerals or vegetative cover except as permitted by those Commonwealth statutes identified in the Pennsylvania Municipalities Planning Code, Article VI, Zoning, Section 603.
- J. Submission of operational data for conditional use approval in the RC and RAL zoning districts: The operations plan shall include but need not be limited to:
  - [1] Ownership and acreage of the land proposed for use with leased areas identified.
  - [2] Type of resources to be extracted or mined.
  - [3] Estimated depth of the proposed drilling or mining operation.
  - [4] Location map at a scale of one (1) inch equals eight hundred (800) feet which shall show:
    - [i] The land area to be excavated, drilled or mined with dimensions, and dimensions of leased areas, in addition to property boundaries of the location of the surface operation.

- [ii] Private access roads and abutting public streets and roads.
  - [iii] Abutting and/or adjacent zoning districts and land uses.
  - [iv] Existing watercourses, and proposed alterations or use of surface water to assure stream quantity and quality.
  - [v] Fencing and buffer planting. If fencing is to be vegetation give details of the size and type.
  - [vi] Title, scale, north arrow and date.
  - [vii] Ownership of subject property.
- K. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State or Federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and shall result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this Chapter.
- L. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall comply with designated weight limits on Township roads and shall design the hauling routes for the natural gas, oil, coal or other mineral extraction operation to minimize the impact on local roads within the Township. In the furtherance thereof, applicants shall comply with Ordinance No. 137, as amended.
- M. The operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor prior to the beginning operations in the amount of twelve thousand five hundred dollars (\$12,500.00) for each mile of Township road or portion thereof proposed to be traversed for the surface operation or the removal of minerals from the site. The term of the bond shall begin on the date the Zoning Permit is issued. The bond shall be returned to the operator upon completion of all operations, any backfilling and any reconstruction of a damaged roadway due to excess weight in excess of the posted weight for the road or for continued use during the surface operation. Any failure to complete the reconstruction required by this Section shall result in forfeiture of the required bond. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction. In the furtherance thereof, applicants shall comply with Ordinance No. 137, as amended.



**SECTION 26:** In Article X, Signs, former Section 192-63, now Section 192-64, Sign Requirements, Subsection B, General Requirements, Paragraph (5), a new sentence, to read as follows, is hereby added:

[5] Exemptions to the permit requirement are political signs, interior window signs, and temporary special sales events signs.

**SECTION 27:** In Article X, Signs, former Section 192-63, now Section 192-64, Sign Requirements, Subsection B, General Requirements, a new Paragraph (9) is hereby added to read as follows:

[9] The changeable letter area or areas of any permitted sign shall not exceed 33.3% of the maximum allowable sign face area, excluding development identification signs.

**SECTION 28:** In Article X, Signs, former Section 192-63, now Section 192-64, Sign Requirements, Subsection C, Signs in the Rural Conservation District, Subsubsection (f) Municipal directory signs for businesses and institutions off the main road, is hereby deleted in its entirety.

**SECTION 29:** In Article X, Signs, former Section 192-63, now Section 192-64, Sign Requirements, Subsection E, Signs in the C Commercial, B Business, I Industrial and Overlay Zoning Districts, Paragraph [3], Standards for Permitted Signs, the phrase "...all signs permitted in the overlay districts..." and in Subsection (b) On-Premises Ground Signs, the phrase "...signs located in overlay zoning districts..." are hereby deleted, and the phrase "...all signs..." is hereby inserted in the place of the phrases identified.

**SECTION 30:** In Article X, Signs, former Section 192-63, now Section 192-64, Sign Requirements, Subsection E, Signs in the C Commercial, B Business, I Industrial and Overlay Zoning Districts, Paragraph (b)[3], Maximum Surface Area, is hereby revised to read as follows:

[3] Maximum Surface Area: For development of identification signs, sign faces shall not exceed sixty (60) square feet in surface area per sign face, including any logo feature. No ground sign shall have more than two (2) faces, and such faces shall be parallel to one another.

**SECTION 31: In Article XII, Administration and Enforcement, Section 192-74, Zoning Hearing Board, Subsection H, Hearings, Paragraph (6) is hereby deleted in its entirety and the following paragraph inserted in its place:**

1. The first hearing before the board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer 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. An applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

**SECTION 32: In Appendix E, Development Models Design Manual, Section IV, Development Model Guidelines, Subsection D. Small Property Subdivision Model, Paragraph 3, Site Requirements and Paragraph 4, Lot Types and Mix, are hereby revised to read as follows:**

3. Site Requirements:

Minimum site size	20 acres
Maximum site size	50 acres
Open space development ratio	20% of gross site size
Utility connection	Both public water and sewer connections shall be available to all lots.

4. Lot Types and Mix:

Traditional Lots:	40% maximum
Neighborhood Lots:	No maximum

Suburban Lots:	10% minimum
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**SECTION 33:** Repealer: All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 34:** Severability: Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 35:** Effective Date: This Ordinance amendment shall take effect five (5) days after enactment.

Duly presented and adopted at a regular meeting of the Adams Township Board of Supervisors, Butler County, Pennsylvania, held on the 28<sup>th</sup> day of February, 2011.

ATTEST:

ADAMS TOWNSHIP BOARD OF SUPERVISORS

Donald E. Acker

Chairman, Board of Supervisors

Thomas Franceschina

Supervisor

Edward L. Vogel

Supervisor

Janet L. Luskert

Township Secretary

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Supervisor

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Supervisor