

**MONAGHAN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 92 of 2018

**AN ORDINANCE AMENDING THE MONAGHAN
TOWNSHIP ZONING ORDINANCE**

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Monaghan, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

The Zoning Ordinance of Monaghan Township, Ordinance No. 85 of 2010, is hereby amended as follows:

I. Article 1 "Background Provisions" Section 112 "Definitions" is hereby amended by the deletion of the following definitions:

"BUILDING SETBACK LINE",
"FRONT BUILD-TO-LINE", and
"HOME OCCUPATION".

II. Article 1 "Background Provisions" Section 112 "Definitions" is hereby amended by the addition of the following definitions in alphabetical order:

"ACCESSORY SOLAR ENERGY SYSTEM" – An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, roof mounted solar arrays or modules, or solar related equipment, and is intended to primarily reduce on-site consumption of utility power or fuels.

CERTIFIED MEDICAL MARIJUANA USE – The acquisition, possession, use, or transportation of medical marijuana by a patient or the acquisition, possession, delivery, transportation, or administration of medical marijuana by a caregiver for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

CLEAN WOOD – Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

CLINICAL REGISTRANT – An entity that:

1. Holds a permit both as a grower/processor and a dispensary; and

2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity regarding, among other areas, patient health and safety, medical applications, and dispensing and management of controlled substances.

CLUSTER DEVELOPMENT – An alternate style of development in which the development density of a specific portion of a parcel is increased in exchange for the permanent dedication of open space(s) and the protection of identified natural or cultural features, or in the case of a Rural Cluster, productive farmland.

DISPENSARY – A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

FARM OCCUPATION – A business or commercial activity conducted on a Farm as an accessory use to a principal agricultural use.

FLICKER – A repeating cycle of changing light intensity.

FORESTRY – The science and craft of creating, managing, using, conserving, and repairing forests and associated resources to meet desired goals, needs, and values for human and environmental benefits.

FRONT BUILDING LINE – The actual line of that face of the principal structure nearest an adjacent right of way or street line projected to an intersecting property line. This face includes any portion of the structure above grade, except steps and sidewalks.

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

GROUND CLEARANCE – The minimum distance between the ground and any part of a wind turbine blade, as measured from the lowest point of the arc of the blades.

GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

HOME-BASED BUSINESS, HEAVY USE – A business or commercial activity administered or conducted as an accessory use, which is secondary to the use as a residential dwelling and which involves minimal customer, client, or patient traffic, or pickup, delivery, or removal functions to or from the premises. 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 a maximum of four employees other than family members residing in the dwelling. The primary business owner must reside in the dwelling.
3. There shall be no display or sale of retail goods. Stockpiling or maintaining inventory of a substantial nature will be permitted in a wholly enclosed structure. Customer traffic shall be by appointment only.
4. Limited outside appearance of a business use is permitted, 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 constitutes a nuisance to neighboring properties.
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 or a single detached accessory structure, the total floor area of which may not occupy more than the following floor areas based on lot size:
 - A. 0.0 – 0.5 acres: 625 s.f.
 - B. 0.5 – 1.0 acres: 1,200 s.f.
 - C. 1.0 – 3.0 acres: 2,400 s.f.
 - D. 3.0 acres or more: 3,600 s.f.
8. The business may not involve any illegal activity.

HOME-BASED BUSINESS, MINOR USE – 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 limited customer, client, or patient traffic, whether vehicular or pedestrian, or 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 and architectural character of accessory structures shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ a maximum of two employees other than family members residing in the dwelling. The primary business owner must reside in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature. Customer traffic shall be by appointment only.
4. There shall be limited outside appearance of a business use, including minimal parking, signage and/or lighting compatible with adjacent residential properties.
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 or a single detached accessory structure, the total floor area of which may not occupy more than the following floor areas based on lot size:
 - A. 0.0 – 0.5 acres: 625 s.f.
 - B. 0.5 – 1.0 acres: 1,200 s.f.
 - C. 1.0 – 3.0 acres: 2,400 s.f.
 - D. 3.0 acres or more: 3,600 s.f.
8. The business may not involve any illegal activity.

HOME-BASED BUSINESS, NO IMPACT – 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.

HUB HEIGHT – The distance measured from the surface of the tower foundation to the highest point of a wind turbine hub, to which the blade is attached.

MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania.

MEDICAL MARIJUANA ORGANIZATION or FACILITY – A Dispensary or a Grower/Processor of medical marijuana.

NATURAL AREA & WILDLIFE REFUGE – A designated area set aside to conserve fish, wildlife, and/or plants protected by a legally binding easement, agreement, or covenant.

NON-PHASE 2 OUTDOOR WOOD FIRED BOILER – An OWB that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (BTU) output or lower and is labeled accordingly.

OUTDOOR WOOD-FIRED BOILER (OWB) – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

1. Designed to burn clean wood or other approved solid fuels;

2. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
3. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

PHASE 2 OUTDOOR WOOD-FIRED BOILER – An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million BTU output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

PRINCIPAL SOLAR ENERGY SYSTEM – An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures.

RECYCLING COLLECTION FACILITY/STATION – A principal use at which recyclable material is collected, sorted, and stored within a wholly enclosed structure for shipment to an off-site processing facility.

SHADOW FLICKER – Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

SPARK ARRESTOR – A device (located at the top of a chimney) to prevent sparks, embers, or other ignited material above a given size from being expelled to the atmosphere.

STACK – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace especially that part of a structure extending above a roof.

TOTAL HEIGHT – When referring to a Wind Turbine, the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.

WIND ENERGY FACILITY – An electric generating facility, the main purpose of which is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological

towers, electrical infrastructure, transmissions lines, and other appurtenant structures and facilities.

1. **ACCESSORY WIND ENERGY FACILITY** - a system designed as a secondary use on a lot, wherein the power generated is used primarily for on-site consumption.
2. **PRINCIPAL WIND ENERGY FACILITY** - a system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.

WIND TURBINE - A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower, and pad transformer, if any."

III. Article 1 "Background Provisions" Section 112 "Definitions" is hereby revised by substitution to substitute the below definitions for the existing definitions:

"DOMESTIC PETS - The noncommercial keeping of adult non-farm animals that are locally available for purchase as pets as an accessory use to a dwelling unit as referenced in the following table:

PET FAMILY	QUANTITY PERMISSIBLE
Canine	6
Feline	6
Rodents	Exempt
Rabbits, Chinchillas, etc.	12
Domestic Fowl (ie: canaries, parrots & parakeets, etc.)	Exempt
Household Fish & Amphibians	Exempt
Reptiles & Snakes	6

FARM - Any parcel of land with ten (10) or more acres which is used for a principal agricultural use, which may include up to one detached dwelling or other necessary farm structures and the storage of equipment customarily incidental to the primary use.

FLOOD - A temporary condition of partial or complete inundation of normally dry land areas.

FLOODPLAIN - A relatively flat or low land area, which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

KENNEL – Any lot on which two (2) or more animals that are older than six (6) months (except relating to a farm) are kept, boarded, raised, bred, treated, or trained, including but not limited to dog or cat kennels, excluding Domestic Pets defined herein.

MANUFACTURED HOME – A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, installed in accordance with Pennsylvania Act 158 of 2004.

SETBACK – The minimum required horizontal distance between a setback line and a property or street right-of-way line.

SETBACK, FRONT – The distance between the street right-of-way line and the forward most setback line projected the full width of the lot.

SETBACK, REAR – The distance between the rear property line and the rear setback line projected the full width of the lot.

SETBACK, SIDE – The distance between the side property line and the side setback line projected from the front yard to the rear yard.

SHOOTING RANGE – A place where firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot for recreation, competition, skill development, training, or any combination thereof, by individuals other than a property owner. Nothing within this definition shall be construed to include hunting or the discharge of weapons by a landowner on a property under their ownership, when conducted in accordance with the laws of the Commonwealth of Pennsylvania.”

IV. Article 2 “Zone Regulations” Section 201 “Rural Residential Zone (RR)” Subsection 201.2 “Permitted Uses” is hereby amended by the addition of the following:

- "6. Home-Based Business, No Impact;
- 7. Home-Based Business, Minor Use, subject to the conditions set forth in Section 455.1;
- 8. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
 - A. Maximum Floor Area: 900 s.f.
 - B. Provisions of Section 423.4, 423.6, 423.8, and 423.9;
- 9. Non-Commercial Keeping of Livestock, subject to meeting the following requirements:
 - A. Provisions of Section 441."

The existing numbers "6" and "7" shall be renumbered as "10" and "11".

V. Article 2 "Zone Regulations" Section 201 "Rural Residential Zone (RR)" Subsection 201.4 "Conditional Uses" is hereby amended by substitution of number "8" for the existing number "8" as follows:

- "8. Duplex Dwellings. A single Duplex Dwelling as identified in Section 112 of this Ordinance shall be permitted by Conditional Use subject to the following criteria:
 - A. Minimum Lot Size for units on common ground: 1.5 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewage disposal requirements."

VI. Article 2 "Zone Regulations" Section 201 "Rural Residential Zone (RR)" Subsection 201.4 "Conditional Uses" is hereby amended by the addition of the following:

- "9. Home-Based Business, Heavy Use (see Section 455);
- 10. Principal Solar Energy Systems (see Section 468);
- 11. Principal Wind Energy Systems (see Section 469)."

VII. Article 2 "Zone Regulations" Section 201 "Rural Residential Zone (RR)" Subsection 201.7 "Minimum Lot Area, and Setback and Maximum Height Requirements" is hereby amended by substitution of number "4" "Accessory Uses" as follows:

- "4. A. Front Setback – Forty (40) feet when equal to or behind the front building line, seventy-five (75) feet when forward of the front building line;

- B. Side Setbacks – Ten (10) feet each side for structures over 625 s.f., five (5) feet each side for structures under 625 s.f.;
- C. Rear Setback – Ten (10) feet for structures over 625 s.f., five (5) feet each side for structures under 625 s.f.;
- D. Maximum Permitted Height - Twenty (20) feet provided that all structures are set back a distance at least equal to their height from each lot line; however, this height may be increased one (1) foot for each additional foot that the lineal distance from the lot line to the accessory use exceeds the minimum required, to a maximum height of thirty-five (35) feet.”

VIII. Article 2 “Zone Regulations” Section 201 “Rural Residential Zone (RR)” Subsection 201.7 “Minimum Lot Area, and Setback and Maximum Height Requirements” is hereby amended by the deletion of Section 201.7.5 “Agricultural Setback Requirement”.

IX. Article 2 “Zone Regulations” Section 202 “Residential Zone (R)” Subsection 202.2 “Permitted Uses” is hereby amended by the addition of the following:

- “7. Home Based Business, No Impact;
- 8. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
 - A. Maximum Floor Area: 900 s.f.
 - B. Provisions of Section 423.4, 423.6, 423.8 and 423.9.”

The existing numbers “5” and “6” are hereby renumbered as “7” and “8”.

X. Article 2 “Zone Regulations” Section 202 “Residential Zone (R)” Subsection 202.3 “Special Exception Uses” is hereby amended by the addition of number “8” as follows:

- “8. ECHO Housing (see Section 423).”

XI. Article 2 “Zone Regulations” Section 202 “Residential Zone (R)” Subsection 202.4 “Conditional Uses” is hereby amended by substitution of number “4” to read as follows:

- “4. Duplex Dwellings. A single Duplex Dwelling as identified in Section 112 of this Ordinance shall be permitted by Conditional Use subject to the following criteria:
 - A. Minimum Lot Size for units on common ground: 1.5 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewage disposal requirements.”

XII. Article 2 "Zone Regulations" Section 202 "Residential Zone (R)" Subsection 202.4 "Conditional Uses" is hereby amended by the addition of the following:

- "5. Home-Based Business, Minor Use (see Section 455);
6. Principal Solar Energy Systems (see Section 468);
7. Principal Wind Energy Systems (see Section 469)."

XIII. Article 2 "Zone Regulations" Section 202 "Residential Zone (R)" Subsection 202.6 "Minimum Accessory Uses Setback Requirements" is hereby amended by substitution to read as follows:

"202.6 Minimum Accessory Uses Setback Requirements –

1. Front Setback – Forty (40) feet when equal to or behind the front building line, seventy-five (75) feet when forward of the front building line;
2. Side Setbacks – Five (5) feet;
3. Rear Setback – Five (5) feet."

XIV. Article 2 "Zone Regulations" Section 203 "Village Zone (V)" Subsection 203.3 "Permitted Uses" is hereby amended by the addition of the following:

- "6. Home-Based Business, No Impact;
7. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
 - A. Maximum Floor Area: 900 s.f.
 - B. Provisions of Section 423.4, 423.6, 423.8, and 423.9;
8. Duplex Dwellings, subject to the following criteria:
 - A. Minimum Lot Size for units on common ground: 1.5 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewerage disposal requirements;
9. Multifamily Dwellings, subject to the following criteria:
 - A. Minimum Lot Size for units on common ground: 2.0 times the minimum lot area prescribed in this Zone, or as required to meet on-lot sewerage disposal requirements;

- B. Maximum Number of Dwelling Units: 4 per building;
10. Retail Sale of Goods and Services, provided the total sales and display area is less than one thousand five hundred (1,500) square feet and pedestrian interconnection provided to immediately adjacent commercial properties, excluding adult-related uses;
 11. Restaurants, provided the total seating area is less than one thousand five hundred (1,500) square feet and pedestrian interconnection provided to immediately adjacent commercial properties.”

The existing number “5” is hereby renumbered to “12”.

XV. Article 2 “Zone Regulations” Section 203 “Village Zone (V)” Subsection 203.3 “Special Exception Uses” is hereby amended by the addition of the following:

- “5. Noncommercial Keeping of Livestock (see Section 441).”

XVI. Article 2 “Zone Regulations” Section 203 “Village Zone (V)” Subsection 203.4 “Conditional Uses” is hereby amended by the addition of number “13” to read as follows:

- “13. Home-Based Business, Minor Use (see Section 455).”

XVII. Article 2 “Zone Regulations” Section 203 “Village Zone (V)” Subsection 203.7 “Minimum Setback Requirements” is hereby amended by substitution of number 1 to read as follows:

“203.7 Minimum Setback Requirements –

1. Front Setback - All buildings and structures (except permitted signs) shall be set back a minimum of fifteen (15) feet from the street right-of-way; no outdoor loading areas nor off-street parking may be located within the front setback;”

XVIII. Article 2 “Zone Regulations” Section 204 “Commercial/Industrial Zone (CI)” Subsection 204.2 “Permitted Uses” is hereby amended by addition to read as follows:

- “5. Home-Based Business, No Impact.
6. Home-Based Business, Minor Use.”

The existing number “5” is hereby renumbered to number “7”.

XIX. Article 2 “Zone Regulations” Section 204 “Commercial/Industrial Zone (CI)” Subsection 204.4 “Conditional Uses” is hereby amended by addition to read as follows:

- “15. Home Based Business, Heavy Use (see Section 455), and;
- 16. Medical Marijuana Facilities (see Section 470).”

XX. Article 2 “Zone Regulations” Section 205 “Conservation Zone (C)” Subsection 205.2 “Permitted Uses” is hereby amended by addition to read as follows:

- “8. Home-Based Business, No Impact;
- 9. Home-Based Business, Minor Use;
- 10. ECHO Housing, when contained wholly within the principal dwelling, subject to meeting the following requirements:
 - A. Maximum Floor Area: 900 s.f.
 - B. Provisions of Section 423.4, 423.6, 423.8, and 423.9.”

Existing number “8” is hereby renumbered to “11”.

XXI. Article 2 “Zone Regulations” Section 205 “Conservation Zone (C)” Subsection 205.3 “Special Exceptions” is hereby amended by addition to read as follows:

- “9. ECHO Housing (see Section 423).”

XXII. Article 2 “Zone Regulations” Section 205 “Conservation Zone (C)” Subsection 205.4 “Conditional Uses” is hereby amended by addition to read as follows:

- “10. Principal Wind Energy Systems (see Section 469).”

XXIII. Article 2 “Zone Regulations” Section 205 “Conservation Zone (C)” Subsection 205.9 “Minimum Setback Requirements” number “2” “Accessory Uses” is hereby amended by substitution to read as follows:

- “2. Accessory uses
 - A. Front Setback – Forty (40) feet when equal to or behind the front building line, seventy-five (75) feet when forward of the front building line.”

XXIV. Article 3 “General Provisions” Section 301 “Accessory Uses and Structures” Subsection 301.5 “Alternative Energy Sources” is amended by substitution to read as follows:

- “301.5 – Accessory Wind Energy Facilities (AWEF) –

1. Accessory Wind Energy Facilities (AWEF) shall be permitted in all Zoning Districts as an accessory use. Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.
2. Number of AWEF permitted on lots with both ground and building mounted AWEF:
 - i) One (1) ground mounted AWEF and one (1) building mounted AWEF is permitted on a lot.
3. All on-site utility, transmission lines, and cables shall be placed underground.
4. No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways, or sidewalks.
5. Requirements for Ground Mounted AWEF
 - A. Ground mounted AWEF may be placed on lots of any size assuming they meet the height and setback restrictions found in this Ordinance.
 - B. Height for Ground Mounted AWEF:
The minimum ground clearance for the AWEF shall be fifteen (15) feet.
 - C. Setbacks for Ground Mounted AWEF:
AWEF shall be set back from property lines, occupied buildings, above ground utility lines, railroads, and/or road right-of-ways by a distance equal to no less than 1.5 times the total height.
 - D. Ground mounted AWEF are prohibited in front yards between the principal building and the public street.
6. Requirements for Building Mounted AWEF
 - i) Building mounted AWEF may be located on any lot regardless of size.

- ii) Height regulations shall not apply to building mounted AWEF, provided the height does not exceed the limitations of the zoning district in which they are located by more than fifteen (15) feet. (This type of regulation is common for steeples, antennas, belfries, silos, etc. Using this option would treat AWEF similarly to these types of structures.)”

XXV. Article 3 “General Provisions” Section 301 “Accessory Uses and Structures” is hereby amended by addition of subsection 301.11 “Accessory Solar Energy Systems (ASES)” to read as follows:

“301.11 Accessory Solar Energy Systems (ASES) –

1. Regulations Applicable to All Accessory Solar Energy Systems:
ASES that have a maximum power rating of not more than 15kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating more than 15kW shall comply with the requirements of Section 468.2 – Principal Solar Energy Systems.
2. Exemptions:
 - A. ASES with an aggregate collection and/or focusing area of one hundred (100) square feet or less are exempt from this ordinance.
3. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
4. The owner of an ASES shall provide Monaghan Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer’s intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
5. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
6. Roof Mounted Accessory Solar Energy Systems:
 - A. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
 - B. Solar panels shall not extend beyond any portion of the roof edge.
 - C. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction

Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

7. Ground Mounted Accessory Solar Energy Systems:

A. Setbacks:

The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.

8. Height:

Ground mounted ASES shall not exceed ten (10) feet in height above the ground elevation surrounding the systems.”

XXVI. Article 3 “General Provisions” Section 301 “Accessory Uses and Structures” is hereby amended by addition of subsection 301.12 “Outdoor Fireplaces and Recreational Fires” to read as follows:

“301.12 Outdoor Fireplaces and Recreational Fires – Within any zone, outdoor fireplaces and recreational fires shall be permitted, subject to the following regulation and in accordance with all applicable local, state and federal rules and regulations:

1. Outdoor Fireplaces shall be used in accordance with the manufacturer’s instruction, contain a spark arrester, and shall not be operated within fifteen (15) feet of a structure or other combustible material.
2. Recreational Fires shall not be conducted within twenty-five (25) feet of a structure or other combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
3. All Outdoor Fireplaces and Recreational Fires shall be constantly attended until the fire is extinguished. Approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or portable fire extinguisher, shall be available for immediate utilization. A minimum of one UL listed portable fire extinguisher with a minimum 4-A rating shall be mounted no more than fifty (50) feet from and within sight of any permanent installation.”

XXVII. Article 3 “General Provisions” Section 302 “Unenclosed Storage” Subsection 302.1.3 is amended by substitution to read as follows:

- “3. The storage of one (1) Class I vehicle shall be permitted per lot behind the front building line, so long as the unit is set back no less than five (5) feet from any adjoining lot line. All areas used for the storage of Class I vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels, lubricants, or both, into the ground;”

XXVIII. Article 3 “General Provisions” Section 302 “Unenclosed Storage” Subsection 302.1.4 is hereby amended by substitution to read as follows:

- “4. The storage of one (1) Class II vehicle on a residentially-zoned parcel, or a parcel used for a principal residence, is permitted, subject to the following requirements:
- A. In no case shall the vehicle contain more than three hundred twenty (320) square feet, as measured to the vehicle’s outermost edges, nor exceed a height of thirteen (13) feet, as measured from the ground to the highest point of the vehicle’s main body. Vehicle height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, antennas, masts, outriggering, fishing poles, etc.), but will be measured to the highest point of any flybridge or other boat console;
 - B. All vehicles shall be set back a horizontal distance equal to the Zone’s principal use setbacks;
 - C. No vehicle shall be stored in front of the front setback line. On vacant lots, the vehicle must be stored behind the required front setback line, as specified for principal uses;
 - D. Screening, as described in Section 313 of this Ordinance, shall be provided along any side and rear lot lines. Such screening shall not extend into the required front yard. Screening shall not be required along a common side lot line when the owner resides on one (1) lot and stores the vehicle on an adjacent vacant lot that he/she owns. One (1) ten (10) foot wide break in required screening may be provided along one (1) rear or side lot line for vehicular access onto an adjoining alley; and,
 - E. All areas used for the storage of Class II vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels, lubricants, or both, into the ground;”

XXIX. Article 3 "General Provisions" Section 302 "Unenclosed Storage" Subsection 302.1.5 is hereby amended by substitution to read as follows:

- "A. In the (R) Zone, the parking or storage of commercial trucks on a lot less than fifteen thousand (15,000) s.f. is expressly prohibited, including within the public or private road right-of-way.
- B. The parking of one (1) commercial truck is permitted in the (R), (V), (RR), and (C) zones, subject to the following requirements:
 - i) Truck shall be registered to the property owner, or the truck is utilized in the normal course of employment by a property owner;
 - ii) An off-street parking space is provided behind the front setback line sized to accommodate the vehicle and screened from adjacent properties. The parking space shall be located outside of the side and rear setback for accessory structures.
- C. The parking or storage of any trailer used principally for business activity, other than those accessory to a principal residential use, is expressly prohibited in the (RR), (R), (V), and (C) zones."

XXX. Article 3 "General Provisions" Section 302 "Unenclosed Storage" is hereby amended by the addition of new Subsection 302.7 "Temporary Storage" to read as follows:

"The temporary storage of portable dumpsters and bulk materials, including but not limited to stone, mulch, firewood, and building materials, within the public right-of-way shall be prohibited in any zone. Where adequate space does not exist on a lot for the placement of a bulk disposal container, the limited placement of a dumpster within the parking area of a right-of-way shall be permitted for a period not to exceed forty-eight (48) hours."

XXXI. Article 3 "General Provisions" Section 312 "Off-Street Loading Facilities" is hereby amended by substitution to read as follows:

"312. Off-Street Loading Facilities –

312.1 Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. The facilities shall be provided whenever:

1. A new use is established;
2. The use of a property or building is changed and thereby requiring more loading space; and,

3. An existing use is enlarged, thereby requiring an increase in loading space.

312.2 General Requirements:

1. Loading spaces shall be provided that adequately accommodate the maximum sized delivery vehicle anticipated;
2. Loading spaces shall not block any required parking spaces;
3. A minimum of one (1) loading space shall be required, except for residential uses.
4. Any structure in excess of ten thousand (10,000) s.f. of gross floor area shall require one (1) additional loading space.
5. The number of required loading spaces for office buildings, retail sales and services, shopping centers, or warehousing shall be determined based on the anticipated delivery demand."

XXXII. Article 3 "General Provisions" Section 314 "Outdoor Signs" Subsection 314.2 "General Regulations for All Signs" number "19" is hereby amended by substitution to read as follows:

- "19. **Except for billboards** (permitted in the C/I zone by conditional use), only those signs referring directly to services, materials, or products made, sold, or displayed on the premise shall be permitted, except for signs owned and associated with uses operated by the Township and Directional Signs as permitted herein."

XXXIII. Article 3 "General Provisions" Section 315 "Roadway Classifications" is hereby amended by substitution to read as follows:

Arterial Roads	Collector Roads	Local Roads
North and South York Road	North Lewisberry Road (from North York to East Siddonsburg Road) South Lewisberry Road West Siddonsburg Road North Grantham Road East Mount Airy Road	All roads not listed as arterials or collectors

XXXIV. Article 3 "General Provisions" Section 316 "Zoning Requirements for Use of On-Lot Sewage Disposal Systems" is hereby amended by addition of the following subsections:

"316.3 All subdivided parcels shall test for and delineate a primary and secondary disposal site on both the subdivided and parent tracts.

316.4 All proposed improvements shall comply with the setback regulations listed in PA Code Title 25, Environmental Protection Chapter 73.13, including but not limited to the following, as measured from the existing or proposed tanks or the perimeter of the aggregate absorption area:

A. Property Line, Occupied Buildings, Pools or Driveways, Water Supply Lines under Pressure, or Storm water Detention or Recharge facilities: Ten (10) feet.

B. Water Supply Wells: One Hundred (100) feet."

XXXV. Article 3 "General Provisions" Section 324 "Domestic Keeping of Horses" is hereby amended by substitution to read as follows:

"324. Domestic Keeping of Horses – A fifty (50) foot minimum setback (from all property lines) shall be imposed upon the placement of any new structure used to house personal-use horses. Existing structures may be re-purposed for this use if they are set back no less than ten (10) feet from all property lines;"

XXXVI. Article 3 "General Provisions" Section 326 "Temporary Storage Units" is hereby replaced with Section 326 "Non-Traditional Storage Units" to read as follows:

"326. Non-Traditional Storage Units – The use of non-traditional storage units, including those commercially known as "PODS" or the enclosed portion or "container" of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:

1. Units shall be located in the side or rear yard.
2. Units shall be permitted for a maximum period of sixty (60) consecutive days in any one (1) calendar year. This period may be extended upon written request to the Zoning Officer for a period not to exceed one hundred eighty (180) days.
3. The enclosed portion or "container" of a box trailer with wheels may be used for temporary construction storage for the period during which a valid building permit has been issued. Such units shall be licensed and located in accordance with the required accessory use setbacks of the zone in which the property is located.
4. The enclosed portion or "container" of a box trailer with or without wheels may not be used for permanent storage in the (R) or (V) zones."

XXXVII. Article 3 “General Provisions” Section 327 “Sheds and other Accessory Buildings - Placement” is hereby replaced with new Section 327 “Discharge of Firearms on Private Property” to read as follows:

“327. Discharge of Firearms – The discharge of legally owned firearms on private property by a landowner is permitted in all zones, subject to compliance with all applicable local, state, and federal regulations.”

XXXVIII. Article 3 “General Provisions” is hereby amended by the addition of new Section 329 “Outdoor Wood-Fired Boilers” to read as follows:

“329. Outdoor Wood-Fired Boilers – Outdoor wood-fired boilers are permitted subject to the following conditions and requirements:

329.1 OWBs are permitted as an accessory use in all districts.

329.2 Emissions Standards – All outdoor wood-fired boilers must meet EPA Phase 2 emission standards. Non-Phase 2 OWBs acquired through real estate transactions are exempt from this requirement.

329.3 Number of OWBs – The number of OWBs shall be limited to one (1) per lot.

329.4 Lot Size – OWBs shall only be utilized on lots or parcels of land one (1) acre(s) or larger.

329.5 Setbacks – OWBs shall be installed in accordance with the following setbacks:

1	Front	50 feet
2	Side	50 feet
3	Rear	50 feet
4	Nearest Residential Structure	10 feet
5	Nearest Residential Structure not on lot where the OWB is located	100 feet

329.6 OWBs shall not be located in the front yard between the principal building and public street.

329.7 Stack Height – OWBs must have a permanently installed stack that extends at least ten (10) feet above the ground and is installed according to manufacturer’s specifications.

329.8 Types of Fuel Permitted – All OWBs shall operate using only the following fuels:

- A. Clean Wood.
- B. Wood pellets made from clean wood.
- C. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired outdoor wood-fired boilers.
- D. Other types of fuel approved in writing by DEP upon receipt of a written request.

329.9 Safety – All OWBs should be equipped with a properly functioning spark arrestor.

329.10 Installation, use, and operation of an OWB must comply with manufacturer's specifications as well as all applicable local, county, state and/or federal laws, regulations, and codes.

329.11 Replacement of an existing unit shall comply with all Phase 2 EPA provisions, with the exemption of the setback requirement contained herein if the unit is located in the same location as the previous unit."

XXXIX. Article 4 "Specific Criteria" Section 423 "ECHO Housing" is hereby amended by substitution to read as follows:

"423. ECHO Housing –

- 423.1 Within the (RR), (R), and (C) Zones, ECHO housing is permitted by special exception, subject to the following criteria;
- 423.2 The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;
- 423.3 The total building coverage for the principal dwelling, any existing accessory structures, and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
- 423.4 The elder cottage shall be occupied by no more than two (2) people, at least one (1) of whom must be both related to the occupants of the principal dwelling by blood, marriage, or adoption and is either (a) fifty (50) years of age or older, (b) handicapped, or (c) disabled;

423.5 Utilities:

1. For sewage disposal, water supply, and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company stands; and,
2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capabilities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;

423.6 A **minimum of** one (1) all-weather, off-street parking space with unrestricted ingress and egress to the street shall be provided for the elder cottage in addition to that required for the principal dwelling;

423.7 The elder cottage shall be installed and located only in the side or rear yards and shall adhere to all side and rear yard setback requirements for principal uses;

423.8 The elder cottage shall be removed from the property or converted to an accessory structure within six (6) months after it is no longer occupied by a person who qualifies for the use unless a special exception is granted for the continued use of the dwelling unit, subject to the same criteria as set forth in Section 504;

423.9 Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit; and

423.10 A deed restriction shall be recorded prior to the issuance of an occupancy permit which limits the use of the elder cottage for those individuals provided for under the ECHO Housing definition and provides for the removal or conversion of the accessory dwelling unit in the event those individuals are no longer living on the property.”

XL. Article 4 "Specific Criteria" Section 441 "Noncommercial Keeping of Livestock" Subsection 441.1 is amended by substitution to read as follows:

"Within the (R) and (V) Zones, Noncommercial Keeping of Livestock is permitted by special exception subject to the following criteria:"

XLI. Article 4 "Specific Criteria" is hereby amended by new Section 455 "Home Based Businesses" to read as follows:

"455. Home Based Business –

455.1 Home-Based Business, Minor Use: Within the (R) and (V) Zones, Minor Use Home Based Businesses are permitted by conditional use, subject to the following criteria:

1. The parking area or accessory building used for business purposes or employees shall be screened from adjacent properties.
2. One (1) business related sign shall be permitted not to exceed nine (9) square feet. Illumination of the sign will not be permitted.
3. An accessory structure used for business purposes shall be setback a distance equal to the principal use setbacks in the zone.
4. Outdoor storage of any kind shall be prohibited.
5. Hours of operation shall be limited to 7:00 am to 7:00 pm. Applicant shall submit a detailed commercial operations plan describing all business activity to be conducted on the site, addressing how any adverse impacts to adjacent properties will be mitigated.
6. Deliveries by tractor trailers will be prohibited. Adequate access for straight delivery vehicles shall be provided on the property.
7. Only one (1) Home Based Business shall be permitted per lot.
8. Minimum Lot Size: One (1) Acre.
9. Applicant shall provide proof of review of any proposed structures or modifications to existing for compliance with the PA Uniform Construction Code, and identify improvement necessary for compliance.

455.2 Home-Based Business, Heavy Use: Within the (RR) and (C/I) Zones, Heavy Use Home Based Businesses are permitted by conditional use, subject to the following criteria:

1. Applicant shall meet conditions set forth in Section 455.1.
2. Property shall be located within one thousand five hundred (1,500) feet of an arterial or collector road.
3. Applicant shall submit a Traffic Impact Study performed in accordance with the Monaghan Township Subdivision and Land Development Ordinance.
4. Applicant shall present an Architectural Compatibility Assessment prepared by a registered architect, identifying the compatibility of existing or proposed principal or accessory structures used for business purposes with adjacent properties."

XLII. Article 4 "Specific Criteria" Section 462 "Two Family Conversions" Subsection 462.1 is revised by substitution to read as follows:

"Within the C, R, RR, V Zone, a detached single-family dwelling that existed on the effective date of this Ordinance and contained (at that time) at least two thousand (2,000) square feet of floor area on a property no less than 1.5 times the minimum lot area prescribed in the underlying zone may be converted into two (2) dwelling units by special exception, subject to the following criteria:"

XLIII. Article 4 "Specific Criteria" is hereby amended by the addition of new Section 468 "Principal Solar Energy Systems (PSES)" to read as follows:

"468. Principal Solar Energy Systems (PSES) –

468.1 PSES shall be permitted by conditional use in the (RR) Zoning District.

468.2 The PSES layout, design, and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

- 468.3 All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- 468.4 The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
- 468.5 No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
- 468.6 Glare
- A. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
 - B. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- 468.7 A noise study will be performed and included in the application. The noise study will be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed fifty (50) dBA, as measured at the property line.
- 468.8 The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- 468.9 Decommissioning
- A. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
 - B. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the

established timeframes, the municipality may complete the decommissioning at the owners expense.

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

468.11 Ground Mounted Principal Solar Energy Systems:

1. Minimum lot size: Five (5) acres

2. Setbacks:

PSES shall comply with the setbacks of the underlying zoning districts for principal structures.

3. Height:

Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.

4. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in Section 313.

5. Security

A. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

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

6. Access

A. At a minimum, a twenty-five (25) foot wide access road must be provided from a state or township roadway into the site.

B. At a minimum, a twenty (20) foot wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles, including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.

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

468.12 Roof and Wall Mounted Principal Solar Energy Systems:

PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.”

XLIV. Article 4 “Specific Criteria” is hereby amended by the addition of new Section 469 “Principal Wind Energy Facilities (PWEF)” to read as follows:

“469. Principal Wind Energy Facilities (PWEF) –

469.1 Principal Wind Energy Facilities (PWEF) shall be permitted by conditional use in the (RR) and (C) Zoning District(s). Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.

469.2 The layout, design, and installation of PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations, and comply with all applicable building and electrical codes. The manufacturer specifications shall be submitted as part of the application.

469.3 Applicants shall submit land development and/or subdivision plans which shall be compliant with all land development/subdivision ordinance requirements of the Township.

469.4 The applicant shall provide sufficient documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.

469.5 The PWEF shall provide the Township written confirmation that the public utility company to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.

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

469.7 Visual Appearance

1. All on-site utility, transmission lines, and cables shall be placed underground.
2. PWEF shall be painted a non-reflective, flat color, such as white, off-white, or gray, unless required to be colored differently from FAA or BOA regulations.
3. PWEF shall not be artificially lighted except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
4. The display of advertising is prohibited except for identification of the manufacturer of the system, facility owner, and operator.
5. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWEF.
6. Accessory Buildings, Structures, Mechanical Equipment
 - A. Accessory structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen.
 - B. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors,

textures, screening, and landscaping that will blend the structures into the natural setting and existing environment.

469.8 Warnings and Safety Measures

1. All access doors to PWEF, including electrical equipment, outbuildings, and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
2. Wind Turbines shall not be climbable up to (15) feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.

469.9 Lot size

1. In order for a tract(s) of land to be eligible for a PWEF, it must have a minimum lot size derived as follows: (2 acres x number of Wind Turbines) + 18 acres = minimum lot size.
2. Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.

469.10 Setbacks

1. Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for the zoning district or 1.5 times its total height, whichever is greater.
2. Wind Turbines shall be set back from an occupied building, on a non-participating landowner's property, not less than 2 times its total height measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
3. Wind Turbines shall be set back from the nearest public road right-of-way a distance of not less than the normal setback requirements for the zoning district or 2 times its total height, whichever is greater, as measured from the right-of-way line to the center of the Wind Turbine base.
4. Wind Turbines shall be set back at least two thousand five hundred (2,500) feet from Important Bird Areas as identified by

Pennsylvania Audubon and at least two thousand (2,000) feet from identified wetlands or the Yellow Breeches Creek.

469.11 Maximum Height: 150 feet

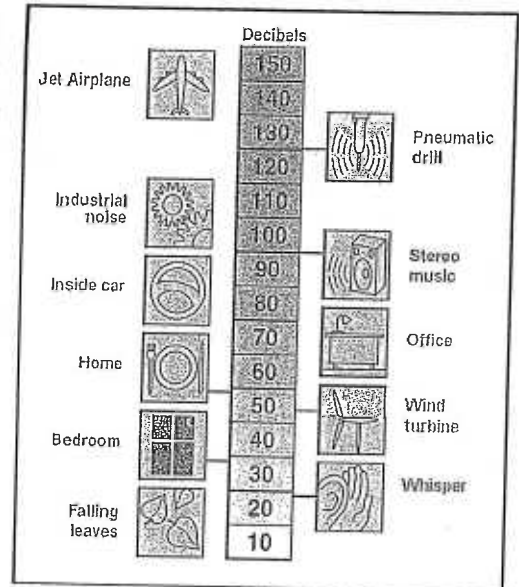
1. The minimum Ground Clearance shall be thirty (30) feet.

469.12 Noise

1. Audible sound from a PWEF shall not exceed fifty-five (55) dBA, as measured at the property line between participating and non-participating landowners.

2. Noise limits may be exceeded during short-term events such as utility outages and/or severe wind storms.

3. Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.



469.13 A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

469.14 Shadow Flicker.

1. A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
2. A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.

3. The facility owner and operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating property.

469.15 Facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet, or similar signals, and shall mitigate any harm caused thereby.

469.16 The applicant shall provide a proposed foundation design and analysis of soil conditions by a professional engineer.

469.17 A PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least One Million Dollars (\$1,000,000.00) per occurrence and One Million Dollars (\$1,000,000.00) in the aggregate. A certificate of insurance shall be made available to the Township upon request.

469.18 Decommissioning

1. The facility owner or operator shall, at his expense, complete decommissioning of the PWEF and all related improvements within twelve (12) months of the date when the use of the particular PWEF has been discontinued or abandoned by the facility owner and/or operator, or upon termination of the useful life of same. The PWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such PWEF for a continuous period of twelve (12) months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded unless the land owner requests in writing that the access roads or other land surface areas not be restored.

XLV. Article 4 "Specific Criteria" is hereby amended by the addition of new Section 470 "Medical Marijuana Facilities" to read as follows:

"470. Medical Marijuana Facilities –Within the (C/I) Zone, Medical Marijuana Facilities are permitted by conditional use, subject to the following criteria:

470.1 MEDICAL MARIJUANA GROWER/PROCESSOR.

1. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance, and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
2. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.
4. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.
5. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
6. Grower/processors may not locate within one thousand (1,000) feet of the property line of a public, private, or parochial school or day-care center.
7. Loading and off-loading areas within the structure are required.
8. A water supply report prepared in accordance with Section 614 of the Monaghan Township Subdivision and Land Development Ordinance shall be submitted.

470.2 MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE

1. A traffic impact study is required where the office is operated.
2. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.

3. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

470.3 MEDICAL MARIJUANA DISPENSARY

1. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.
2. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
4. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
5. A medical marijuana dispensary shall be a maximum of one thousand five hundred (1,500) gross square feet, of which no more than seven hundred fifty (750) square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25%) percent of the gross floor area.
6. A medical marijuana dispensary shall:
 - A. Not have a drive-through service;
 - B. Not have outdoor seating areas;
 - C. Not have outdoor vending machines;
 - D. Prohibit the administering of or the consumption of medical marijuana on the premises; and
 - E. Not offer direct or home delivery service.
7. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

8. A medical marijuana dispensary may not be located within one thousand (1,000) feet of the property line of a public, private or parochial school, or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building, or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
9. Loading and off-loading areas within the structure are required. If an external loading dock arrangement is designed, it should be from within a secure environment."

XLVI. Article 5 "Nonconformities" Section 503 "Expansion or Alteration" Subsection 503.2 is hereby amended by substitution to read as follows:

"Any dimensional nonconformity may be reduced by permitted use. The extension or enlargement of a dimensional nonconformity may also be permitted by right; however, such extension or enlargement shall be limited to a total of a ten percent (10%) increase of the dimensional nonconformity when it was originally created."

XLVII. Article 5 "Nonconformities" Section 503 "Expansion or Alteration" is hereby amended by the addition of a new sections 503.3 and 503.4 to read as follows:

"503.3 Where a dimensional non-conforming setback exists, expansion of the structure may occur to the face of the dimensional non-conformity by right, subject to the overall dimension of the non-conformity not being reduced.

504.4 The construction of an accessory structure to an existing non-conforming residential use is permitted by right, subject to the area dedicated to the accessory use being no greater than fifty (50%) percent of the area of the existing principal dwelling unit and meeting the requirements for accessory structures in the nearest residential zone."

XLVIII. Article 7 "Administration" Section 701 "Permits" is hereby amended by substitution of subsection 701.1 "General Requirements for Zoning Permits" number "1" to read as follows:

"701.1. General Requirements for Zoning Permits –

1. A zoning permit shall be required prior to (a) a change in use of land or structure, (b) the erection or construction of a structure, (c) the improvement or alteration of any existing structure where such improvement or alteration increases the amount of space which the structure encloses, or (d) the demolition or removal of any structure. A

zoning permit shall also be required prior to the alteration or development of any improved or unimproved real estate, including, but not limited to, mining, dredging, filling, grading, paving, excavation, or drilling operations or the erection or alteration of any signs specified in Section 314 of this Ordinance. Zoning permits shall also be required for the construction or installation of animal waste impoundments, lakes, ponds, dams, or other water retention basins.

Exemptions - No zoning permit shall be required for the following activities, provided such activities do not change the use or the exterior dimension of the structure, alter the elevation of the final grade, or otherwise violate the provisions of this Ordinance:

- A. Incidental Repairs;
- B. Maintenance Activities including roofing, siding, and window replacement;
- C. Installation of trees, shrubs, and other landscaping materials;
- D. Concrete pad or sidewalks less than one hundred fifty (150) square feet in total area."

XLIX. Article 7 "Administration" Section 701 "Permits" subsection 701.1 "General Requirements for Zoning Permits" paragraph 15 "Compliance with Permit and Plot Plan" is hereby amended by substitution to read as follows:

"15. Compliance with Permit and Plot Plan - All work or uses shall conform to the approved application and plans for which the permit has been issued, as well as the approved plot plan. The property owner shall bear the responsibility for the establishment of the location of the property lines and approval of a permit, plot plan, or field inspection by the Zoning Officer shall not constitute acceptance of improvements that do not meet the criteria set forth in the Ordinance;"

L. Article 7 "Administration" Section 701 "Permits" subsection 701.2 "Application for All Zoning Permits" number "1", letter "J" is hereby amended by substitution to read as follows:

- "J. For the construction of principal use structures, a grading plan prepared by a professional engineer or surveyor illustrating existing and proposed grades through the use of topographic contours and/or spot elevations. Elevations of existing watercourses, drainage ways, storm sewer facilities, and general land topography and elevations of proposed finished floors of structures and door locations shall be identified."

LI. Article 7 "Administration" Section 701 "Permits" subsection 701.4 "Certificate of Use and Occupancy" is amended by the addition of new paragraph "9" to read as follows:

"9. The Zoning Officer may delay the issuance of a Certificate of Use and Occupancy where such certificate is utilized as a performance guarantee to insure work is completed to satisfy the provisions of a related permit, such as a Sewage or Stormwater Management Permit."

LII. If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance. It is hereby declared as the intention of the Board of Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

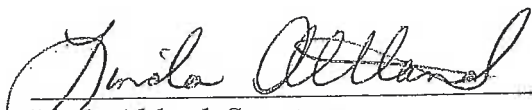
LIII. Any other Ordinance or Resolution or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

LIV. This Ordinance shall be effective at 12:01 A.M. on the 6th day following the adoption hereof by the Board of Supervisors of the Township of Monaghan.


ENACTED AND ORDAINED this 10th day of September, 2018.

ATTEST:


MONAGHAN TOWNSHIP
BOARD OF SUPERVISORS


Linda Altland, Secretary

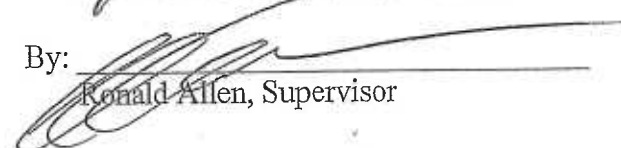
By:


Vicki Aycock, Chairman

By:


John E. Whitehouse, Vice-Chairman

By:


Ronald Allen, Supervisor