

ARTICLE XIII
OVERLAY DISTRICTS

History: Amended by Ordinance No. 2022-06-04, June 8, 2022 and Ordinance No. 2023-07-02, July 12, 2023

§20-1301. Mineral Extraction Overlay District

A. Findings

The Board recognizes the need, pursuant to the requirements of the Pennsylvania Municipal Planning Code, to provide for reasonable development of minerals, including coal, oil and gas and other non-coal minerals.

1. The Board recognizes the need to provide for the reasonable development of minerals to help provide for an economically strong and viable United States of America.
2. The Board recognizes that its Comprehensive Plan, with respect to mining, calls for "The use of flexible techniques such as performance oriented overlay districts".
3. The Board recognizes that mining can result in areas which will be unsuitable for residential construction, those areas being in the less populated northern areas of the Township.
4. The Board recognizes the need to provide areas of the Township suitable for the expansion of residential housing.
5. The Board recognizes the need of providing a wide range of economic uses for all private property owners in the Township, whether residential, industrial, commercial or agricultural.
6. The Board recognizes that mining and oil and gas extraction can result in noise, dust and other environmental risks which can have a negative impact on the health, safety, welfare and morals of Center Township.
7. The Board recognizes that mining and oil and gas extraction operations can have significant adverse impact on the quality of life in the areas surrounding the mine or extraction areas.
8. The Board recognizes that mining activities

can result in large amounts of heavy truck traffic which can have a negative impact on the health, safety, morals and welfare of the community if not adequately policed.

9. The Board recognizes that while it has the authority to engage in the traditional zoning of mining and oil and gas extraction, the Township is in large part precluded from enacting regulations which do not constitute traditional zoning and which are instead within the jurisdiction and authority of the Department of Environmental Protection.
10. The Board Recognizes the need to provide a buffer area between the more heavily populated area of the south of the Township and the more rural area of the north, the latter being the typical location for mining and oil and gas activities.
11. The Board finds the Overlay District Zoning District contemplated by this Article, balances the need for the development of natural resources within Center Township versus protecting the health, safety, morals, and general welfare of the residents of and visitors to Center Township.

B. Location of District Boundaries

1. SM Overlay District (Surface Mining):
All that land one hundred (100) feet east of the right-of-way line of SR 8, north of the intersection with Mahood Road, excluding land zoned "M-1", Light Industrial District, and one hundred (100) feet north of the right-of-way line of Jamisonville Road, Stoney Run Road, Aggas Road and east of Pine Tract Road. Overlay district boundaries abutting interior roads within the district shall be located a minimum of one hundred (100) feet from all recorded rights-of-way.
2. DM Overlay District (Deep Mining)
 - a. All that land found in SM Overlay District.
 - b. All that land one hundred (100) feet east of the right-of-way line of Minich Rd. north of the intersection with Elliott Road, and one hundred (100) feet north of the right-of-way line of Elliott

Road and one hundred (100) feet north of the right-of-way line of Pinehurst Road, and one hundred (100) feet east of Pine Tract Road north of the intersection of Pinehurst Road. Overlay district boundaries abutting interior roads within the district shall be located a minimum of one hundred (100) feet from all recorded rights-of-way.

C. Principal Permitted Uses

1. Surface mining, including but not limited to, coal, limestone, sand and gravel operations within the SM Overlay District. Note: Surface Mining is not a permitted or conditional use in the DM Overlay District.
2. Deep mining for coal in the SM Overlay District.

D. Permitted Accessory Uses

1. All accessory uses customarily incidental to any permitted principal use.
2. The storage of explosives, gasoline, oil and other inflammables incidental to any permitted use shall be stored in approved, industry standard tanks or vaults or otherwise stored to provide maximum safety to workmen and the community.
3. Equipment buildings used for material and vehicle storage or to enclose machinery.

E. Conditional Uses

1. Deep mining for coal in DM Overlay District. (See Section 20-1508A.33).
2. Oil and gas extraction (See Section 20-1508A. 33, where applicable, and Sections 20-1402 and 20-1415).

F. Lot, Yard, Height Requirements

1. Minimum Yard Setbacks:
 - a. Front yard – Two hundred and fifty (250) feet from street right of way line.
 - b. Rear yard – Two hundred and fifty (250) feet.
 - c. Side yard – Fifty (50) feet, two (2) required.
 - d. Accessory structures used to store explosives, gasoline, oil and other

inflammables – Two hundred and fifty (250) feet all yards.

- e. All other Accessory structures -Two hundred and fifty (250) feet front and rear yard(s) and fifty (50) feet side yard(s).

EXCEPTION: All structures, whether permanent or temporary, must not only meet the above “ Minimum Yard Setbacks”, but must also set back at least one and one half (1 ½) times the height of the structure.

2. Minimum Lot Frontage – Fifty (50) feet for purposes of establishing a right-of-way for access to the extractive industry site.
3. Maximum Lot Coverage – None
4. Maximum Building Height
 - a. For unoccupied structures and mechanical equipment - None
 - b. For unoccupied accessory structures – None
 - c. For all occupied structures, maximum thirty-five (35) feet.
5. Site Development Standards – In addition to the regulations of the Nonresidential Performance Standards in Section 20-1402, any permitted principal overlay district or accessory use shall be subject to the following:
 - a. Structure – It shall be carried on in such a manner with such precautions against fire and explosion as to produce no exposure hazard to a use on an adjacent property.
 - b. Water Use – Any water utilized for permitted principal overlay district or accessory uses which is drawn from underground sources must be set back more than fifty (50) feet from the closest property boundary.
 - c. Liquid Waste – Permit from Department of Environmental Protection and the Butler Area Sewer Authority agreeing to accept the waste flow.

- 1) All requirements of the Pennsylvania Department of Environmental Protection shall be met in the construction and operation of all on-site extractive industry liquid sewage disposal plants.
 - 2) If an extractive industry operation is connected to a public sewage system, the owners shall provide the operators of the public sewage system a chemical analysis of the proposed sewage, and the operator has the right to refuse entrance into the system of any sewage components that may interfere with normal cycle of the sewage treatment plant.
 - 3) In no case shall liquid wastes be dumped or permitted to flow or seep into a stream or drainage way.
 - d. Liquid wastes that cannot be disposed of on the site shall not be permitted to accumulate and shall be removed off-site at least once per week.
 - d. Hazard Waste - Hazardous waste shall not be permitted to accumulate on any property, and their disposal shall be in compliance with applicable Commonwealth of Pennsylvania Hazardous Waste regulations.
 - e. Property Maintenance - All areas of any property upon which mineral extraction activities are being conducted shall be maintained free from the exterior accumulation of, but not limited to; material, machine parts, trash, garbage, animal (excluding undomesticated wildlife) or human excrement, rubbish, junk, junk equipment, junk vehicles.
- G. Additional Standards
1. All permitted, conditional, and accessory uses for the Mineral Extraction Overlay District (SM and DM) shall comply with the provisions of Section 20-1407 of this Chapter.
 2. All permitted, conditional, and accessory uses for the Mineral Extraction Overlay District (SM and DM) shall comply with the provisions of Section 20-1415 of this Chapter.
 3. All permitted, conditional, and accessory uses in the Mineral Extraction Overlay District shall be considered a Land Development and must comply with the provisions of the Township's Subdivision and Land Development Chapter 14.
 4. All surface penetrations needed for deep mining must be located in within the SM or DM Mineral Overlay Extraction District and at least one thousand (1,000) feet from any occupied structure.
 5. Mine shaft openings must be located inside the SM or DM Mineral Extraction Overlay District and at least one thousand (1,000) feet from any occupied structure.
 6. At least thirty (30) days prior to the beginning of extraction operations, the applicant shall provide an appropriate site orientation and training course for all emergency responders. Cost and expense shall be sole responsibility of the operator. These activities must be held, at minimum, annually.
 7. A reasonable number of well-maintained portable chemical toilet facilities must be available on site at all times.
 8. All dogs must be kept in compliance with Chapter 1 of the Center Township Codification of Ordinances. All other animals are prohibited.
 9. All truck traffic to and from site must cease between the hours of 9:00PM and 6:00AM weekdays and Saturdays, and all hours of the day and night Sundays and Legal Holidays.

EXCEPTION: Written permission may be granted, at the discretion of the Zoning Officer, for occasional truck traffic during non-compliant times. All requests must be in writing and received by the Township at least sixty (60) days prior to start of non-compliant activities. Notification of

affected neighbors will be done by the Township and cost of notification billed to the operator. All expenses incurred by the Township for granting of written permission must be paid by the operator at least 60 days prior to the date of the event.

10. All site activity must cease between the hours of 9:00PM and 6:00AM weekdays and Saturdays, and all hours of the day and night Sundays and Legal Holidays

EXCEPTION: Written permission may be granted, at the discretion of the Zoning Officer, for occasional site activity during non-compliant times. All requests must be in writing and received by the Township at least 60 days prior to start of non-compliant activities. Notification of affected neighbors will be done by the Township and cost of notification billed to the operator. All expenses incurred by the Township for granting of written permission must be paid by the operator at least sixty (60) days prior to the date of the event.

H. Applicability

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any mineral extraction activity including without limitation, oil and gas extraction anywhere within any zoning district unless a Permit has been obtained from the Center Township Zoning Officer or his Deputy.

I. Abrogation and Greater Restrictions

This Article supersedes any other conflicting provisions which may be in effect in the Mineral Extraction Overlay Districts. However, any other regulations shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

J. Warning and Disclaimer of Liability

This Article shall not create liability on the part of the Township or any officer or employee thereof for any damages that result from reliance on this Article or any administrative decision lawfully made there under.

K. Operator's Agent

Every Operator of any mineral extraction or oil and gas extraction activity shall designate an agent, who is a resident of Pennsylvania, upon whom all orders and notices provided in this Article may be served in person or by registered or certified mail. Every Operator so designating such agent shall within ten (10) days notify the Township in writing of any change in such agent or such mailing address unless operations within the Township are discontinued. Agent must have a physical address. Post Office boxes will NOT be accepted.

L. Permits Required

Permits shall be required before any construction or development is undertaken within any area of the Township.

M. Issuance of a Permit(s)

1. The Center Township Zoning Officer, or his Deputy, shall issue permits only after it has been determined that the proposed work to be undertaken will be in conformity with the requirements of this and all other applicable codes and ordinances.
2. The Zoning Officer shall be responsible for determining whether a property or a portion thereof proposed for development or improvement is within the applicable zoning districts or zoning overlay districts and what measures must be taken to meet the requirements of this Article. Any grading or filling of land even though no well head or mining is contemplated shall require a permit.
3. When permits or approvals are required by other governmental agencies according to applicable laws and regulations of those agencies, the developer must obtain and furnish documented proof of the required permits and/or approvals to the Township. No permit shall be issued until this determination has been made.
4. No encroachment, alteration, or improvement of any kind shall be made until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all

required permits or approvals have been first obtained.

5. All road bond and/or maintenance agreements must be approved by the Township prior to the issuance of a Permit. All payments shall be made by certified check.

N. Application Procedures and Requirements

Application for such a permit shall be made in writing, to the Zoning Officer. Such application shall contain the following:

1. All applicable fees.
2. Completed and signed application form containing at least the following information:
 - a. Date of the application
 - b. Proposed site name
 - c. Site location. (Street address approved by the Township and County 911)
 - d. Surface owner names(s) and address(es) of the lease property
 - e. Mineral Lessee name and address
 - f. Applicant/Operator name and address and if the Operator is a corporation, the state of incorporation, address, officer's names and addresses, registered agent and address and Articles of Incorporation; and if the Operator is a partnership, the names and addresses of the general.
 - g. Name and address of individual designated to receive notice (Operator's Agent). Must be a physical address. Post Office boxes will NOT be accepted.
 - h. Name of Operator representative with supervisory authority over all operation site activities and a 24-hour phone number.
 - i. The name, address and 24-hour phone number of the person to be notified in case of an emergency.
 - j. The exact acreage of the site and number of wells (if well heads

involved).

3. A notarized statement signed by the Operator, or designated representative, that the information submitted with the application is, to the best knowledge and belief of the Operator or designated representative, true and correct.
4. Proof of all applicable Bonding, Letters of Credit, Indemnity, Insurance, etc.
5. Listing of other permits required.
6. Signed and recorded land development mylar.
7. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders. Also an affidavit signed by the applicant stating the Township will be notified in writing of any and all changes to the Plan within 1 business day.
8. Signed Excess Maintenance Agreement and bond.

O. Placards

In addition to Permit(s), the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit (s), the date(s) of issuance, and be signed by the Zoning Officer.

P. Start of Construction

Work on the proposed construction and/or development shall begin within three (3) months and shall be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted in writing by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, or excavation for the site. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

Q. Inspection and Revocation

1. During the construction period, the Zoning Officer or other authorized official shall inspect the site to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and regulations. He/She shall make as many inspections during and upon completion of the work as are necessary.
2. The Zoning Officer shall have the authority to request and receive any records relating to the status or condition of any permitted mineral extraction including oil and gas extraction necessary to establish and determine compliance with the applicable Permit(s). Failure of any person to provide any such requested material shall be deemed a violation of this Article.
3. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified site, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.
4. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and regulations, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
5. A record of all such inspections and violations of this Article shall be maintained.

R. Fees

Application fees for a building permit shall be, as established from time to time, by resolution of the Center Township Board of Supervisors. Additional fees may apply to cover cost of notification of neighbors due to afterhours truck traffic and/or other operations approved by the Zoning Officer.

S. Notices and Penalties

Notices: Whenever the Zoning Officer or other authorized municipal representative determines that there are reasonable grounds to believe

that there has been a violation of any provisions of this Article, or of any regulation adopted pursuant thereto, the Zoning Officer shall take actions consistent with the Township Zoning Ordinance. Any and all violations of the Pennsylvania Uniform Construction Code will be referred to the Township Building Code Official for review and enforcement.

§20-1302. Gateway Sign Overlay District

A. Purpose

The purpose of this district is to provide areas at the perimeter of the Township with frontage on collector or arterial roadways for the erection of off-premises advertising signs.

B. Location of District Boundaries

All that land currently zoned "M-1", Light Industrial District and "M-2", Heavy industrial District, and having recorded frontage on State Route 8 and State Route 38, shall be included in this Gateway Sign Overlay District.

C. Principal Permitted Uses - Off-premises signs. (Billboards)

D. Dimensional Standards

1. Maximum height - forty (40) feet.
2. Maximum length - thirty (30) feet.
3. Maximum area - three hundred (300) . feet per side.
4. Minimum separation - three hundred (300) linear feet measured from the closest point of one off-premises sign to another off-premises sign.

E. Accessory Uses and Structures

1. Business signs.
2. Signs.

F. Applicable Provisions

1. Off-premises sign (Billboards)
 - a. Advertising signs, including electronic message signs, with an advertisement or information pertaining to business conducted off the property, shall be located on property with frontage abutting the rights-of-way of State Route 8 or State Route 38, and within the Gateway Sign Overlay District.

- b. An applicant for such sign shall provide a site plan to the Township which plan shall show the location of the proposed sign, the principal building on the property, where applicable, and a written certification provided by a Professional Engineer as to wind load, structural performance, lighting characteristics, and orientation.
- c. Any display in conflict with the provisions of Chapter 20, Article XVII, shall be considered a public nuisance and subject to immediate enforcement.
- d. Any sign permitted under these provisions shall comply with the following dimensional standards:
 - 1) The total area of single face of the sign shall not exceed three hundred (300) square feet.
 - 2) Double faced signs shall not exceed six hundred (600) square feet of sign faced combined.
 - 3) Maximum height shall not exceed forty (40) feet.
 - 4) Maximum length shall not exceed thirty (30) feet.
 - 5) Minimum separation of three hundred (300) feet between the closest points of two (2) off-premises signs shall be required.
 - 6) Specific methods and characteristics of proposed internal and external lighting shall be provided in relation to the area of the sign allocated for such treatment.

2. Signs

On certain properties where pre-existing nonconforming sign structures were installed for the erection of on-premises or off-premises signs, those sign posts may be re-used as follows:

- a. Only the business currently operating on the property where the sign post exists may use the sign post.

- b. Prior to re-use of the existing sign post, an inspection by a Professional Engineer shall be prepared and presented to the Township.
- c. When in the opinion of the professional engineer, the sign post cannot support the weight of the proposed sign, or other similar signage, the sign post shall be removed at owner's expense.
- d. Existing sign posts in need of repair or additional support shall be renovated prior to the issuance of a sign permit.
- e. Existing sign posts shall not be leased or offered to off-premises business for use.
- f. All signs proposed to be attached to the existing sign post shall comply with the applicable provisions of this Article and Chapter 20, Article XVII, where applicable, specifically the dimensional standards and wind loads.
- g. All Commonwealth and Federal permits for outdoor advertising devices (Chapter 445, PA B. 845, 5-12-72) shall be secured prior to issuance of a Township sign permit.

3. Sign Measurement

a. Sign face area

- 1) The area of sign face enclosed in frames or cabinets shall be determined based on the outer dimensions of the frame or cabinet surrounding the sign face. Sign area shall not include foundations, supports, and other essential structures that do not serve as a backdrop or border to the sign.
- 2) When a sign shall be on a base material and attached without a frame, such as a wood or plastic panel, the dimensions of the base material shall be used unless it is clear that part of the base contains no sign, related display, or decoration.
- 3) When signs shall be constructed of individual pieces or letters

attached to a building wall, sign area shall be determined by a perimeter drawn around all the pieces or letters.

- b. Double-faced signs
 - 1) Any sign may be doubled-faced, provided that it has two (2) parallel surfaces that are opposite and matching in size, shape, and message and are not over twelve (12) inches apart.
 - 2) The sign shall be considered as one (1) sign and only one (1) face shall be used to calculate the total size of the sign.
 - 3) Should the two (2) surfaces deviate from being parallel or should they differ in size or shape, the sign shall be considered as two (2) signs and both signs shall be used to calculate the total size of the sign.
 - c. Multiple slats or panel signs
 - 1) A sign face that changes by means of flipping slats or panels encased in a stationary frame or cabinet is permitted.
 - 2) The sign shall be considered as one (1) sign and only one (1) face shall be used to calculate the total size of the sign.
 - d. Digital display panel signs
 - 1) Digital display panels which abruptly change an entire surface three hundred (300) square feet shall be considered safety hazards and are not permitted.
 - 2) Digital display panels which transition integral design elements, colors, and configurations over a period of five (5) seconds or more, shall be permitted.
4. Permits
- a. A separate zoning/sign permit shall be required for the erection of signs under this Article except that no permit shall

be required for the exemptions listed in Section 20-1708 of this Chapter.

- b. A zoning/sign permit waiver may be applied for on a written form provided by the Township for the replacement of an existing permitted sign face, after submission and review by the Zoning Officer. The sign face area to be replaced shall be identical to the square footage approved on the original permit.
- c. Each application for a permit shall be accompanied by a drawing to scale showing the proposed sign, the size, general characteristics, method of internal and external illumination, and digital display components, where applicable, the exact location of the sign in relation to the lot and structure involved and other data as may be required by the Zoning Officer.
- d. A fee shall accompany each application for a permit. Fees shall be established, from time to time by resolution of the Board of Supervisors.

§20-1303. "CIO" Core Infill Overlay District

- A. Purpose
The purpose of this district is to identify residential and commercially zoned land which has been substantively development and projected to accommodate continued development, while establishing a health and safety buffer from surface related facilities in developing areas of the Township directly or indirectly accessible to the State Route 8 Corridor.
- B. Location of District Boundaries
All that land identified on the Official Zoning Map of Center Township as the Core Infill Overlay District including all land currently zoned "R-1", Single Family Residential District, portions of land zoned "R-2", Multi-Family Residential District, all land currently zoned "R-3", High Density Residential District, all land currently zoned "C-1", Retail and Service Commercial District and all land current zoned "C-2", Highway Commercial District.
- C. Principal Permitted Uses

1. All those uses listed in Article VI, Section 20-602 in the underlying "R-1" Residential District.
 2. All those uses listed in Article VII, Section 20-702 in the underlying "R-2" Multi-Family Residential District.
 3. All those uses listed in Article VIII, Section 20-802 in the underlying "R-3" High Density Residential District.
 4. All those uses listed in Article IX, Section 20-902 in the underlying "C-1" Retail and Service Commercial District.
 5. All those uses listed in Article X, Section 20-1002 in the underlying "C-2" Highway Commercial District.
- D. Permitted Accessory Uses
- All those accessory uses listed as permitted in the underlying "R-1" Single Family District, "R-2" Multi-Family District, "R-3" High Density Residential District, "C-1" Retail and Service Commercial District and "C-2" Highway Commercial District.
- E. Conditional Uses
- All those conditional uses listed as permitted in the underlying "R-1" Single Family District, "R-2" Multi-Family District, "R-3" High Density Residential District, "C-1" Retail and Service Commercial District and "C-2" Highway Commercial District and compliant with the applicable provisions of Section 20-1508.
- F. Lot Area, Yard and Height Requirements
1. All applicable standards for lot area, yard setbacks, frontage, lot coverage and building height as enumerated in the "R-1" Single Family District, "R-2" Multi-Family District, "R-3" High Density Residential District, "C-1" Retail and Service Commercial District and "C-2" Highway Commercial District for permitted and conditional uses.
 2. Oil and gas operations as follows:
 - a. No facilities other than pipelines for the collection or transmission of oil or natural gas shall be located on the surface of land in the Core Infill Overlay District.
 - b. Subsurface extraction and collection of oil and natural gas shall comply with all applicable Federal and Commonwealth requirements for permitting and with the applicable provisions of Section 20-1415.
- G. Site Development Standards
1. All applicable standards as outlined in the underlying "R-1" Single Family District, "R-2" Multi-Family District, "R-3" High Density Residential District, "C-1" Retail and Service Commercial District and "C-2" Highway Commercial District as specified.
 2. Pipelines for the collection or transmission of oil or natural gas shall comply with the provisions of Section 20-1402 and Section 20-1415, where applicable. Further, all pipelines shall be designed and constructed to all Federal and Commonwealth standards for high consequence area facilities.
- §20-1304. "RRO" Rural Resource Overlay District**
- A. Purpose
- The purpose of this District is to identify land with low population densities, an absence of public utilities and limited development potential to accommodate well regulated resource removal with applicable health and safety criteria to protect existing development.
- B. Location of District Boundaries
- Land in this overlay designation is identified on the Township's Official Zoning Map and is located predominantly in the western quadrants and situated to the north of the Core Infill Overlay District.
- C. Principal Permitted Uses
1. All those uses listed in Article V, Section 20-502 in the underlying "R-1A" Low Density Residential District.
 2. All those uses listed in Article VII, Section 20-702 in the underlying "R-2" Multi-Family Residential District Zoning District.
- D. Permitted Accessory Uses
- All those accessory uses listed as permitted in the underlying "R-1A" Low Density Residential District and "R-2" Multi-Family Residential District.

E. Conditional Uses

1. All those conditional uses listed as permitted in the underlying "R-1A" Low Density Residential District and "R-2" Multi-Family Residential District.
2. Oil and gas well drilling - See Sections 20-1402 and 20-1415.

F. Lot Area, Yard and Height Requirements

1. All applicable standards for lot area, yard setbacks, frontage, lot coverage and building height as enumerated in the "R-1A" Low Density Residential District and "R-2" Multi-Family Residential District for permitted and conditional uses.
2. Oil and gas operations as follows:
 - a. Minimum lot area - five (5) acres for oil or gas well pad.
 - b. Minimum lot area - three (3) acres for an impoundment area if not on well pad site.

G. Site Development Standards

1. All applicable standards for lot area, yard setbacks, frontage, lot coverage and building height as enumerated in Articles V and VII for permitted and conditional uses.
2. Pipelines shall be designed and constructed to all Federal and Commonwealth standards depending on size and volume.
3. All oil and gas operations shall comply with Section 20-1402 and 20-1415.
4. No oil or natural gas well on property abutting a developed lot situated within the CIO Core Infill District shall be located within five hundred (500) feet of the recorded property line and no impoundment area shall be located within three hundred (300) feet of the recorded property line.

§20-1305. "ERO" Economic Resource Overlay District

A. Purpose

The purpose of this District is to identify a suitable area in the Township for mixed professional and institutional development.

B. Location of District Boundaries

Land in this overlay designation is identified on the Township's Official Zoning Map and is located predominantly along the northern and western side of Duffy Road.

C. Principal Permitted Uses

1. All those uses listed in the underlying "R-1A" Low Density Residential District.
2. Professional or business offices, including institutional headquarters for non-profit corporations.
3. Data processing facilities.
4. Universities, colleges and trade schools. However, dormitories or other on site living arrangements for students and/or faculty shall not be permitted.
5. Printing and publishing facilities
6. Radio and television broadcasting studios, recording studios and motion picture studios. However, antennae for such studios shall not be permitted.
7. Federal, state, county or municipal government offices.
8. Indoor sports complex.
9. Health care center, including hospice care facility.

D. Permitted Accessory Uses

All those accessory uses as permitted in the underlying "R-1A" Low Density Residential District.

E. Conditional Uses

1. Research and development facilities.
2. Daycare

F. Lot Area, Yard, Height and Site Requirements

1. Minimum Yard Setbacks
 - a. Front yard - One hundred (100) feet from streetright-of-wayline.
 - b. Rear yard - Fifty (50) feet.
 - c. Sideyard - Fifty (50) feet (2 required).
 - d. Buffer yard - A buffer yard, as regulated in Section 20-1406, shall be provided where a commercial use abuts a district boundary.

- e. Landscaping shall be as required in Section 20-1405.
 - 2. Minimum Lot Frontage – The minimum frontage for each lot shall be one hundred (100) feet.
 - 3. Maximum Lot Coverage – The maximum amount of space of a lot which may be covered by impervious surfaces is sixty-five (65) percent.
 - 4. Minimum Lot Area - Three (3) acres.
 - 5. Maximum Building Height – No building shall be in excess of thirty-five (35) feet, seventy-five (75) feet, when fully protected by an automatic sprinkler system.
 - 6. If more than one structure, the minimum distance between structures shall be fifty (50) feet.
 - 7. All parking, loading and access areas shall be screened from adjacent residential properties, if any.
 - 8. All structures within one hundred (100) feet of the perimeter property lines shall be screened from adjacent residential properties, as per Section 20-1406.
 - 9. All property not covered by structures or paving shall be landscaped and maintained.
- G. Conditional Use Standards
- 1. All applicable standards enumerated above, unless a stricter standard is set forth herein below, in which case the stricter standard shall apply.
 - 2. All procedural requirements set forth in Sections 20-1502 through 1507, inclusive.
 - 3. Research and development facilities:
 - a. A list of all hazardous materials or products being stored or utilized at the site shall be provided to the Township at the time of application, along with all written policies for the safe storage and handling of hazardous materials.
 - b. The Board of Supervisors may deny a conditional use application for research and development, when in the reasonable opinion of the Board of

Supervisors, the use or storage of hazardous materials presents a risk or potential risk to the health, safety and welfare of the community.

- c. As used herein, the term "hazardous material" shall mean:
 - 1) A hazardous substance.
 - 2) An extremely hazardous substance.
 - 3) A hazardous chemical.
 - 4) A toxic chemical.

As used herein, the term "extremely hazardous substance shall mean:

"Extremely Hazardous Substance." A substance appearing on the list of extremely hazardous substances published by the administrator of the Federal Environmental Protection Agency under the authority of Section 302 of the Federal Emergency Planning and Community Right-to-Know Act of 1986 (Title III, Public Law 99-499, 42 U.S.C. § 11002), as set forth at 40 CFR Part 355 ("Appendix A -The List of Extremely Hazardous Substances and Their Threshold Planning Quantities"), or appearing on any successor list of extremely hazardous substances published by the administrator of the Federal Environmental Protection Agency under the authority of Section 302 of Sara, Title III.

- 4. Day Care Center
 - a. One on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safety accommodate a parked vehicle.

- b. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near to an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedgerows, walls or dense vegetation, may be used in place of fencing, so long as such barriers functionally restrict children from unsafe areas.
- c. The applicant shall demonstrate that the children in the family day-care home can safely, quickly and easily vacate the premises in case of emergency.

§20-1306. "PSES" Solar Energy Overlay District

A. Findings

The Board recognizes the need, pursuant to the requirements of the Pennsylvania Municipal Planning Code, to provide for reasonable development of solar energy.

- 1. The Board recognizes the need to provide for the reasonable development of alternative energy to help provide for an economically strong and viable United States of America.
- 2. The Board recognizes that its Comprehensive Plan calls for "The use of flexible techniques such as performance oriented overlay districts".
- 3. The Board recognizes the need of providing a wide range of economic uses for all private property owners in the Township, whether residential, industrial, commercial or agricultural.
- 4. The Board recognizes that solar energy development can result in glare and other environmental risks which can have a negative impact on the health, safety, welfare and morals of the residents of Center Township.
- 5. The Board recognizes that solar energy operations can have significant adverse impact on the quality of life in the areas surrounding the operations.
- 6. The Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property

and to promote the conservation of energy through access to and use of renewable energy resources.

B. Location of District Boundaries

The Principal Solar Energy System Overlay District is set forth in the drawing of Gateway Engineers, Inc., which is made part hereof dated January 21, 2021 and entitled "Solar Ordinance Overlay." Boundaries are as follows: North of Swamp Run Road to Township Boundary, North of Mahood Road to the intersection of Jamisonville Road to Township Boundary. North of Jamisonville Road to Stoney Run Road. North of Aggas Road to and including Whitmire Road to Township Boundary.

C. Definitions

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, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

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

PRINCIPAL SOLAR ENERGY SYSTEM ("PSES"): 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 exchanges, substations, electrical infrastructure, transmission lines and other appurtenant structures.

SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restrictions, covenant, or condition contained in any deed, contract, or other written instrument executed

by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, line, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.
2. **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.
3. **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

D. Uses

Principal Solar Energy System shall be a conditional use in the PSES Overlay Zoning District.

E. Design Standards and Installation

1. 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 as enacted by Center Township and with all other applicable fire and life safety requirements. The manufacturer

specifications for the key components of the system shall be submitted as part of the application.

2. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
3. All on-site transmission and plumbing lines shall be placed underground.
4. The applicant for PSES conditional use 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 that the public utility company has approved such connection.
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 zoning ordinance provision for signs.
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.

7. A noise study shall be performed and included in the PSES application. The noise study will be performed by an independent and qualified noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 55 dBA, as measured at the property line.
8. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application or permit may be removed for the installation or operation of a PSES.
9. 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.
10. 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, upon written notice to the PSES owner and the landowner, complete the decommissioning. The Township will then file a lien against the property for 110% of the cost of decommissioning.
 - c. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.
11. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of conditional use approval shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
12. Solar Easements
 - a. Where a subdivision or land development proposes a PSES, with solar easements obtained from neighboring or nearby properties, such easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - b. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include, but not be limited to:
 - 1) A description of the dimensions of the easement, including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - 2) Restrictions on the placement of vegetation, structures, and other

objects which may impair or obstruct the passage of sunlight through the easement;

- 3) Enumerate terms and conditions, if any, under which the easement may be revised or terminated; and
 - 4) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. All solar easements must be submitted with the PSES conditional use application.

13. Other Requirements

- a. PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes and regulations.
- b. 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.

F. Ground Mounted PSES

1. Minimum lot size - Ten (10) acres
2. Setbacks
 - a. Front yard – Two hundred and fifty (250) feet from the street right of way line.
 - b. Rear yard – Two hundred and fifty (250) feet.
 - c. Side yard – Fifty (50) feet, two (2) required.

G. Height

Ground mounted PSES shall not exceed twenty (20) feet in height.

H. Stormwater Management

1. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Center Township Stormwater Management Ordinance Chapter 21.
2. Ground mounted PSES shall not be placed within any legal easement or right of way location, any septic system discharge area or within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

I. Security

1. All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high opaque fence with a self-locking gate.
2. A clearly visible warning sign shall be placed at the base of all pad mounted transformers and substations and on the fence of the surrounding PSES informing individuals of potential voltage hazards.

J. Access

1. A minimum twenty-five (25) foot wide access road must be provided from a state or township road into the site.
2. 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.

K. General Requirements

1. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state or local authority.
1. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

L. Roof and Wall Mounted PSES

1. For roof and wall mounted systems in the PSES overlay district, 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.
2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.