

Proposed Zoning Amendment - Draft

02/16/11 Rf: School Bus Facilities

Proposed - ORDINANCE No. 5 of 2011
 WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP
 ZONING ORDINANCE NO. 105, 1987 TO ESTABLISH A NEW
 CONDITIONAL USE IN AGRICULTURAL AND INDUSTRIAL
 DISTRICTS FOR SCHOOL BUS STORAGE AND MAINTENANCE

Whereas, the Supervisors of Wilmington Township have determined that there is a need for space within the Township to accommodate the storage and maintenance of school buses; and

Whereas, such a use is best suited to Agricultural or Industrial Districts; and

Whereas, such a use is best sited along major roads;

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987, as amended by Ordinance No.4 of 2007, be amended as follows:

1. Add a new paragraph 100.60A [need to double check numbering] to read as follows:
100.60A School Bus Parking and Maintenance Facility: A facility, which may or may not include buildings, where school buses are stored and maintained.
2. Amend Section 500.2 to add "School Bus Parking and Maintenance Facility (100.60A; 800.40)" to the list of conditional uses.
3. Amend Section 600.2 to add "School Bus Parking and Maintenance Facility (100.60A; 800.40)" to the list of conditional uses.
4. Add a new Section 800.40 to read as follows:
800.40 School Bus Parking and Maintenance Facility
800.40.1 This use may be conducted only on properties that abut either PA Route 18 and/or PA Route 208, or are located in the Honeybee Lane Industrial District.
800.40.2 The setbacks for all buildings and parking areas shall be 50 feet in the front and 20 feet on both sides and in the rear.
800.40.3 Ingress and egress points shall be reviewed with appropriate police officials for public safety purposes.
800.40.4 Screening (Section 916) shall be provided on all sides of the use that face a property that, at the time of the approval of the conditional use, contains a residential dwelling that is within three hundred feet (300') of the property line.
800.40.5 Buses may not idle overnight
800.40.6 All fueling and petro-chemical facilities must comply with applicable Federal and State regulations

Proposed Zoning Amendment - Draft

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02/16/11 RE: School Bus Facilities

ORDAINED AND ENACTED INTO LAW THIS 26th day of April, 2011.

Wilmington Township

Chad A. Fisher

Supervisor

William Hill

Supervisor

[Signature]

Supervisor

ATTEST:

[Signature]

Secretary

**ORDINANCE No. 5 of 2017
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA**

**AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE NO. 105, 1987 TO ESTABLISH THE DEFINITION OF
"SPECIAL EVENT BARNS" AND OTHER EVENT VENUES AND TO SET
FORTH RULES AND REGULATIONS FOR SUCH USES**

Whereas, the Pennsylvania *Municipalities Planning Code* (MPC) states that zoning ordinances shall encourage the continuity of development and viability of agriculture operations (see sections 105 and 603.h of the MPC, 53 P.S. § 10105 and 53 P.S. § 10603(h)); and

Whereas, the Pennsylvania *Municipalities Planning Code* states that zoning ordinances should promote the preservation of historic resources (see sections 105 and 603.b.5, 53 P.S. § 10105 and 53 P.S. § 10603(b)(5)); and

Whereas, the Township Supervisors desire to encourage agri-tourism, while maintaining the rural and residential character of the Township; and

Whereas, section 605 of the Pennsylvania *Municipalities Planning Code* allows additional classifications to be made within any zoning district to, among other things, regulate uses and structures in agricultural areas; and

Whereas, a zoning challenge and request for a landowner curative amendment was filed with the Township averring that Wilmington Township Zoning Ordinance is exclusionary in that it does not provide for Special Event Venues as a use in any zoning district; and

Whereas, a hearing on the above-referenced zoning challenge and landowner curative amendment was held before the Board of Supervisors on Thursday, September 7, 2017 at 7:00 p.m., at the conclusion of which the Board of Supervisors voted to deny the curative amendment proposed by the landowner and instead adopt an alternative zoning ordinance amendment; and

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987 be amended as follows:

1. Add the following new definitions (Section 100) to Ordinance No. 105 of 1987:

100.6a Banquet Halls, Conference Centers, Special Event Barns, Special Event Venues (see 100.6b; 100.22a; 100.64a; 100.64b; and 100.64c);

100.6b Banquet Hall: A permanent structure specifically designed and constructed for an assemblage of persons and including catering facilities, for the purpose of hosting weddings, receptions, and other gatherings.

100.6c Barn: A building, accessory to a farm (100.34), that is used for storing agricultural equipment, hay, grain, and other crops, and often for housing livestock.

100.22a Conference Center: A facility with overnight lodging to accommodate all participants in an event, at which meetings, seminars and conferences are conducted.

100.64a Special Event Barn, Accessory Use: A permanent structure that is currently being used as a barn on a farm and which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements. (See sec. 800.41)

100.64b Special Event Barn, Principal Use: A permanent existing structure that was previously used as a barn (100.6c) and is fully or partially repurposed as a venue for the commercial purpose of hosting weddings, receptions, and other gatherings to include birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements. (See sec. 800.41).

100.64c Special Event Venue: A permanent existing structure that used as a venue for the commercial purpose of hosting weddings, receptions, and other gatherings, or a permanent structure which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, business engagements. (See sec. 800.42).

2. That section 700.2 be amended to include the following as conditional uses:

“Special Event Barn, accessory use (100.64a; 800.41)”

3. That section 500.2 be amended to include the following as conditional uses:

Special Event Barn, principal use (100.64b; 800.41)
 Special Event Barn, accessory use (100.64a; 800.41)
 Banquet Hall (100.6b, ##)
 Conference Center (100.22a, ##)
 Special Event Venue (100.64c, 800.42)

4. That a new section 800.41 be adopted to read as follows:

Z O N A M D - 2 1 7

Section 800.41 Special Event Barns

800.41.1 - If the Special Event Barn is situated on a farm the Special Event Barn may be located on the same property as the farm. If the Special Event Barn is not located on the same property as a farm, then it shall constitute a separate use under section 207.1.

800.41.2 - The parcel on which the Special Event Barn is located shall be at least ten (10) acres in size and able to accommodate all facets of the event within the boundaries of the property.

800.41.3a - Special Event Barns shall be located in their original location.

800.41.3b - Special Event Barns, including all fixtures, tents and parking, shall be set back at least fifty (50) feet from all property lines.

800.41.3c - Any Special Event Barn as a principal use shall be subject to the following setback requirements:

Residential Zoning District boundaries: 500 feet

Existing Residential Structures: 500 feet

Existing Approved Special Event Barns: 3000 feet

800.41.4 - Any additions or changes to the Barn to accommodate the use as a Special Event Barn shall be secondary and shall not drastically alter the visual or material character of the Barn except as necessary to provide for safe use by patrons, and all additions or changes shall be comply with applicable Building Code requirements and the Uniform Construction Code.

800.41.5 - Attendance at a single event at a Special Event Barn shall be limited to no more than two hundred (200) persons. Staff for the event (e.g., security, caterers, etc.) shall not be included in the attendance count.

800.41.5a - The maximum attendance limit at an event may be reduced below two hundred (200) persons by the Board of Supervisors as a part of the Conditional Use approval.

800.41.6 - The conduct of the event including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.

800.41.7 - No more than twelve (12) events per calendar year shall be permitted at a Special Event Barn, Accessory Use, and no more than twenty-four (24) events per calendar year shall be permitted at a Special Event Barn,

Principal Use. A rehearsal for a scheduled event shall not be considered as a separate event.

800.41.7.a - A schedule of events shall be provided to the Township on an annual basis and shall be updated periodically such that the information provided shall be accurate as to any upcoming special event to be held at the Special Event Barn.

800.41.7.b - A Special Zoning Permit for Special Event Barns shall be required. No special event shall take place without a valid special zoning permit issued to the owner of the Special Event Barn and such permit is invalid upon any single violation of any requirement of this ordinance, including, but not limited to, exceeding the permitted number of events annually and the permitted number of attendees, or violation of any condition attached to any conditional use approval granted by the Board of Supervisors. The Permit Application shall include the following information, at a minimum, and shall be of a form and substance as determined by the Township necessary to determine compliance with the requirements of this ordinance:

1. Proof of conditional use approval.
2. Documentation of any conditions attached to a conditional use approval.
3. Proof of Insurance as required in Section 800.41.12.
4. Written acknowledgement by the Applicant and Operator of the conditional use requirements for Special Event Barns.
5. The dates of the validity of the Permit.
6. Proof of inspections and approvals as required in Section 800.41.17.
7. Documentation of the date and time of each special event to be held and actually held at the Special Event Barn.

800.41.8 - Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on State or Township roads, on other public property, or on private property other than that on which the Special Event Barn is located.

800.41.8.a - The parking area shall be accessible by means of a driveway that shall be covered by gravel and is at least forty (40) feet in length, and meets all the applicable requirements of sections 914 and 915 of this Ordinance and of the Township's driveway ordinance.

800.41.8.a.1 - The driveway accessing the parking area shall be wide enough to accommodate two way traffic or there shall

be separate entrances and exits to the parking area(s).

800.41.8.b - Parking shall be in areas covered by gravel or grass. Dirt or mud parking is prohibited. The size of the parking area shall be adequate to accommodate all vehicles at the event.

800.41.8.c - The required building setback areas may not be used for parking.

800.41.9 - No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.

800.41.10 - All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the Special Event Barn.

800.41.11 - If the barn does not include sufficient restroom facilities to meet building code requirements then portable restroom facilities, approved by the Township Sewage Enforcement Officer, are required.

800.41.12 - The owner of the Special Event Barn shall provide bonded, insured on-site independent security guards for each event, and a certificate showing that the Special Event Barn is covered by special event liability insurance shall be displayed at all times.

800.41.13 - No food may be grilled, cooked, or otherwise prepared on site or by the owners of the Special Event Barn. This shall not include incidental preparation done by catering staff, such as setting up chafing dishes, preparing platters and other such preparation. Insurance certificate for the caterer shall be required.

800.41.13a - No sale of food or beverages, including but not limited to, cash bars, concession stands, or other similar sales, is allowed at any event associated with the use of the Special Event Barn.

800.41.13.b - Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.

800.41.14 - The Supervisors may require visual screening of certain elements of the Special Event Barn site and in certain locations, in accordance with the requirements of Section 916 if at the time of the approval of the Special Event Barn the property on which the Special Event Barn is located abuts an R-1 Zoning District, or, if at the time of the approval of the Special Event Barn a residence on an adjoining property is within five hundred (500) feet of the site of the building to be used as a Special Event

Barn.

800.41.15 - The Special Event Barn and its associated use shall not violate the performance standards of section 901 of this Ordinance.

800.41.16 – For a Special Event Barn as an accessory use, signs shall be erected only in accordance with provisions applicable to home based businesses under Article XI of this Ordinance. For a Special Event Barn as a principal use additional signage may be permitted in accordance with Article XI of this Ordinance.

800.41.17 - Any structure being used as a Special Event Barn shall be inspected and approved by a certified engineer approved by the Township, and a copy of the engineer's report shall be submitted to the Township prior to the issuance of the Special Zoning Permit. The structure must also be inspected and approved by the Township Engineer, the Township Zoning Officer, and the Township Building Code Enforcement Officer prior to the issuance of the Special Zoning Permit.

800.41.18 - Any changes necessary to accomplish the use as a Special Event Barn (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Township's Land Development and Stormwater Ordinances, Zoning Ordinance, and the Uniform Construction Code.

800.41.19 - No pyrotechnics or open fires may be used in conjunction with activities associated with the Special Event Barn.

800.41.20 - Special events may be held only on Fridays, Saturdays, and Sundays.

800.41.21 - Trash shall be removed within 24 hours following the end of every special event.

800.41.22 - As part of the conditional use process the Township Supervisors may impose other reasonable conditions and/or restrictions on each Special Event Barn.

800.41.23 - Any Special Event Barn that has been damaged or destroyed by fire or other means may be reconstructed and used as before if the restructuring is performed within twelve (12) months of discontinuance of use and if the restored building covers no greater area and contains no greater cubic content than did the building that was destroyed.

5. That a new section 800.42 be adopted to read as follows:

Section 800.42 Special Event Venue

800.42.1 - The parcel on which the Special Event Venue is located shall be at least five (5) acres in size and able to accommodate all facets of the event within the boundaries of the property.

800.42.2 - Special Event Venues, including all fixtures, tents and parking, shall be set back at least fifty (50) feet from all property lines.

800.42.3 - Any Special Event Venue as a principal use shall be subject to the following setback requirements:

Residential Zoning District boundaries: 500 feet

Existing Residential Structures: 500 feet

800.42.4 - Attendance at a single event at a Special Event Venue shall be limited to no more than three hundred (300) persons. Staff for the event (e.g., security, caterers, etc.) shall not be included in the attendance count.

800.41.5a - The maximum attendance limit at an event may be reduced below three hundred (300) persons by the Board of Supervisors as a part of the Conditional Use approval.

800.42.5 - The conduct of the event including fixtures, tents and parking may extend to the grounds but may not extend into the building setback areas.

800.42.6 - Parking shall be on the property on which the Special Event Venue is located. Under no circumstances may parking be on State or Township roads, on other public property, or on private property other than that on which the Special Event Venue is located.

800.42.6.a - The parking area shall be accessible by means of a driveway that shall be paved and meet all the applicable requirements of sections 914 and 915 of this Ordinance and of the Township's driveway ordinance.

800.42.6.a.1 - The driveway accessing the parking area shall be wide enough to accommodate two way traffic or there shall be separate entrances and exits to the parking area(s).

800.42.6.b - The size of the parking area shall be adequate to accommodate all vehicles at any event such that every vehicle is parked within a parking stall and necessary accessible parking stalls are provided.

800.42.6.c - The required building setback areas may not be used for parking.

800.42.7 - No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.

800.42.8 - All entertainment, including but not limited to DJs, music, bands, a dance floor or a stage shall be limited to the interior of the Special Event Venue.

800.42.9 - No food may be grilled, cooked, or otherwise prepared on site or by the owners of the Special Event Venue. This shall not include incidental preparation done by catering staff, such as setting up chafing dishes, preparing platters and other such preparation. Insurance certificate for the caterer shall be required.

800.42.9.a - No sale of food or beverages, including but not limited to, cash bars, concession stands, or other similar sales, is allowed at any event associated with the use of the Special Event Venue.

800.42.9.b - Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.

800.42.10 - The Special Event Venue and its associated use shall not violate the performance standards of section 901 of this Ordinance.

800.42.11 - No pyrotechnics or open fires may be used in conjunction with activities associated with the Special Event Venue.


800.42.12 - As part of the conditional use process the Township Supervisors may impose other reasonable conditions and/or restrictions on each Special Event Venue.

This Ordinance shall take effect five (5) days following the said date of enactment.

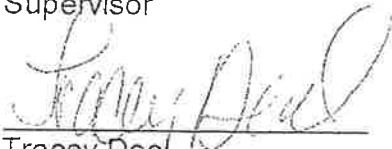
ORDAINED AND ENACTED INTO LAW THIS 9th day of November, 2017.

ATTEST:


Tracey Deal
Secretary

Wilmington Township

David McConahy
Supervisor

Darren Elder
Supervisor


Tracey Deal
Supervisor

DRAFT 3 - revised April 15, 2014

Proposed - ORDINANCE No. 4 of 2014
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE NO. 105, 1987 AND ORDINANCE NO. 4, 2007 TO AMEND THE
PROVISIONS OF THE ZONING ORDINANCE THAT DEAL
WITH OIL AND GAS WELLS

Whereas, the Constitution of the Commonwealth of Pennsylvania holds "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, and esthetic values of the environment; and

Whereas, the Pennsylvania Supreme Court has struck down the limits set forth in "Act 13" with regard to the powers of municipalities to use municipal zoning to regulate oil and gas wells (see *Robinson Township v. Commonwealth of Pennsylvania*); and

Whereas, there have been significant changes in the technology of oil and gas drilling since the adoption of the Wilmington Township Zoning Ordinance, thus leading to a need to update the relevant provisions of that Ordinance; and

Whereas, the setback restrictions of Act 13 (see sec. 3215), while not upheld as a proper use of the power of the Commonwealth, appear to set reasonable restrictions on locating oil and gas wells near streams and structures;

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987 and Ordinance No.4 of 2007, be amended as follows:

1. Add a new section 100.49a to read as follows.

100.49a: Oil and gas well, conventional: A well that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below the Elk Sandstone, and which do not require the volume of fluids typically required for unconventional wells.

2. Add a new section 100.49b to read as follows.

100.49b: Oil and gas well, unconventional: A well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing.

3. Amend section 800.21.1 by deleting all of the wording after the word "Setbacks:" and replacing it with the following table [ed note: all but the first two are adapted from sec. 3215 of Act 13].

<u>Structures and Resources</u>	<u>Conventional Wells</u>	<u>Unconventional Wells</u>
Property line	100 feet	300 feet
Public road	100 feet	300 feet
Building	200 feet	500 feet
Private Water Supply	200 feet	500 feet
Public Water Supply Intake	None	1000 feet
Intermittent stream	None	None

March 18, 2014

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March 18, 2014

Perennial stream	100 feet	300 feet from the well or 100 feet from the edge of the well site, whichever is greater; plus 100 feet from the edge of any disturbed area.
Wetlands > 1 acre	None	300 feet
Floodplains	A well or well pad may not be built in a floodplain if the well site will contain a pit or impoundment for drilling wastes. Wells and well pads may be built in a floodplain if wastes will be stored in tanks that are not located within the floodway section of the floodplain. Because floodplains are defined as being 100 feet on either side of a perennial stream, and 50 feet on either side of an intermittent stream, the floodplain buffer is the only buffer that protects intermittent streams. Operators must use "best practices" when storing hazardous materials, waste, and chemicals in floodplains.	

4. Add a new section 800.21.1a to read as follows:

800.21.1a: For the purposes of section 800.21.1 "building" shall include only those structures in which people customarily live or work.

5. Add a new section 800.21.1b to read as follows:

800.21.1b: The owner of a property may waive the setback requirements relative to a building on the owner's property so long as a) the setback is no less than 100 feet for a conventional well and 200 feet for an unconventional well and b) the waiver is set forth in writing and is recorded at the County Court House.

6. Add a new section 800.21.5 to read as follows:

800.21.5: Noise Abatement

a. Oil and gas operations at any well site, production facility, or gas facility shall comply with the following maximum permissible noise levels, all of which shall be measured at the property line.

- From 7:00 a.m. to next 7:00 p.m. - 55 db(A)

- From 7:00 p.m. to next 7:00 a.m. - 50 db(A)

- In hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted above may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

b. All oil and gas wells and facilities with engines or motors that are not electrically operated and that are within four hundred (400) feet of a building shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly installed and maintained in proper working order.

c. The goal of these rules is to identify noise sources related to oil and gas operations that impact surrounding landowners while allowing operators to implement cost-effective and technically feasible mitigation measures to reduce noise from oil and gas operations to acceptable levels. Operators should be aware that noise control is most effectively addressed at the siting and design phase and should plan accordingly.

ORDAINED AND ENACTED INTO LAW THIS 7th day of June, 2014.

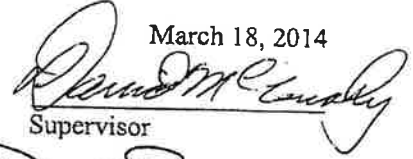
Wilmington Township

Supervisor

March 18, 2014

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March 18, 2014


Supervisor


Supervisor
William S. Allen

ATTEST:


Secretary

TOWNSHIP OF WILMINGTON
LAWRENCE COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF WILMINGTON TOWNSHIP TO PROVIDE FOR ADULT BUSINESSES AS PERMITTED USES IN THE INDUSTRIAL ZONING DISTRICTS.

Ordinance No. 116 of 2000

WHEREAS, the First Amendment to the United States Constitution prevents local governments from banning Adult Business establishments, but does allow for their reasonable regulations; and

WHEREAS, the zoning ordinance of Wilmington Township currently fails to specifically provide for Adult Businesses in any zoning district in Wilmington Township; and

WHEREAS, federal case law imposes certain limitations on Wilmington Township's ability to regulate the placement of Adult Businesses; and

WHEREAS, it is necessary to amend the zoning ordinance of Wilmington Township to regulate the placement of Adult Businesses so as to limit the harmful secondary effects associated with such sexually oriented businesses.

NOW, THEREFORE, Wilmington Township ordains that the zoning ordinance, being Ordinance No. 105, 1987, shall be amended as follows:

Section 100. Add the following:

100.1-A ADULT ARCADE: Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images displayed are distinguished or characterized by the depicting or describing of nudity or sexual conduct, as defined herein

CHRISTIAN SOLDIER, JR. A. 1987-1988
MAYOR
WILMINGTON TOWNSHIP
LAWRENCE COUNTY, PENNSYLVANIA

- 100.1-B ADULT BOOKSTORE: An establishment having a substantial or significant portion of its stock in trade (25% or greater), including but not limited to, video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the display of such material.
- 100.1-C ADULT BUSINESS: An adult arcade, adult bookstore, adult cabaret, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel, adult newsrack, or any other business featuring adult entertainment, as defined herein.
- 100.1-D ADULT CABARET: An establishment devoted to adult entertainment, either with or without a liquor license.
- 100.1-E ADULT ENTERTAINMENT: Movies which are unrated or are rated "X" by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances which depict nudity or sexual conduct, as defined herein.
- 100.1-F ADULT LIVE THEATER: Any commercial establishment which features live shows for public viewing in which all or some of the performers are displaying nudity or engaging in sexual conduct, as defined herein.
- 100.1-G ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as described herein.
- 100.1-H ADULT MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct or nudity, as defined herein.
- 100.1-I ADULT MOTEL: A hotel or motel presenting adult entertainment by means of closed circuit television.

- 100.1-J ADULT NEWSRACK: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of nudity or sexual conduct, as defined herein.
- 100.48-A NUDITY: The exposure or appearance of a human bare buttock, anus, male or female genitals or female breast.
- 100.63-A SEXUAL CONDUCT: Patently offensive representations of descriptions of intimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbations, excretory functions, homosexuality, sodomy, sexual intercourse or contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

To Section 600.2 Add the following:

-Adult Businesses in the Honeybee Lane District only.

Add the following:

- 800.37.1 Adult businesses, as defined by this Ordinance, shall not be permitted in any Zoning District other than the I-Industrial District, located on Honeybee Lane.
- 800.37.2 Adult businesses may not be open for operation between 12:01 A.M. on Sundays and 12:01 A.M. on Mondays of every week.
- 800.37-3 Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space, a film or video cassette or other video or image production or reproduction which depicts nudity or sexual conduct shall comply with the following:
 - (1) At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.

- (2) The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment.

If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations. The view required by this Subparagraph shall be by direct line of sight from the manager's station.

- (3) It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Township as an area in which patrons will not be permitted.
- (4) No viewing room shall be occupied by more than one (1) person at a time. No connections or openings to an adjoining viewing room shall be permitted.
- (5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
- (6) If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and the viewing area shall not be accessible to the performers.

- 800.37.4 If the adult business involves live performances, the performers shall not have easy access to the viewers present.
- 800.37.5 The owner and operator of any adult cabaret shall provide security officers, licensed under the laws of the Commonwealth, if the maximum permitted occupancy of the premises exceeds fifty (50) persons.
- 800.37.6 No stock in trade which depicts nudity or sexual conduct shall be permitted to be viewed from the sidewalk, street or highway.
- 800.37.7 No signs or other displays of products, entertainment or services shall be permitted in any window or other area which is visible from the street or sidewalk.
- 800.37.8 Notice shall be given at the entrance stating the hours of operation and restricting admittance to adults only.
- 800.37.9 Owners and operators of adult businesses shall obtain a license to operate from the Township. In addition, such owners or operators shall supply to the Township such information regarding ownership and financing of the proposed business as is required by the Township's licensing application. Applications for licensing shall be filed with the Township Secretary.
- 800.37.10 The adult business shall be initially licensed upon compliance with all requirements of this Section and provisions of the required licensing application. For each year thereafter that the adult business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Township Secretary by November 1st of the year preceding the year for which renewal is sought. The lack of license or failure to renew such license in a timely manner shall be a violation of this Ordinance and shall be grounds for denial or revocation of the Certificate of Occupancy for the adult business.
- 800.37.11 A certificate of occupancy will not be issued until final inspection has been made as required by this and the licensing ordinance.

ORDAINED AND ENACTED INTO LAW THIS 13th day of April, 2000

Wilmington Township

Mark E. Randall
Supervisor

William S. Allen
Supervisor

Paul E. Allen
Supervisor

ATTEST:

Susan A. Thomas
Secretary

JONATHAN SOLOMONSON
111 EAST MOODY AVE. - NEW CASTLE, DELAWARE 19720

ORDINANCE No. 1 of 2009
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

**AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE NO. 105, 1987 AND ORDINANCE NO. 4, 2007 TO ESTABLISH
"AGRICULTURAL MIXED USES," TO AMEND THE DEFINITION OF
"FARM BASED BUSINESSES," AND TO SET FORTH RULES AND
REGULATIONS FOR SUCH USES**

Whereas, the Pennsylvania *Municipalities Planning Code* states that the preservation of prime agricultural land shall be encouraged (see sections 105, 603.b.5, 603.c.7, and 603.g of the MPC); and

Whereas, the Pennsylvania *Municipalities Planning Code* states that zoning ordinances shall encourage the continuity of development and viability of agriculture operations (see sections 105 and 603.h of the MPC); and

Whereas, the Pennsylvania *Municipalities Planning Code* states that zoning ordinances should not prevent or impede the need of owners and operators of farms to change or expand their operations in order to remain viable (see section 105 of the MPC); and

Whereas, the Pennsylvania *Municipalities Planning Code* states that zoning ordinances should promote the preservation of historic resources; and

Whereas, the Wilmington Township Zoning Ordinance specifies that the purpose of the Agricultural District is to encourage agricultural activity and limit other land uses in districts zoned "Agricultural;" and

Whereas, a growing number of farmers desire to operate a secondary business on their farm; and

Whereas, the Supervisors of Wilmington Township have previously determined that allowing the operation of certain additional businesses on farms may encourage the preservation of farms and farmland (see Ordinance No. 4 of 2007); and

Whereas, non-mechanized farms such as those operated by the Amish constitute an "historic resource" that should be preserved to the extent that is compatible with other goals of the Township; and

Whereas, the Supervisors of Wilmington Township sought to meet the above concerns by amending the Township Zoning Ordinance to allow "farm based businesses" (see Ordinance No. 4 of 2007); and

Whereas, further information has been provided indicating that the provisions of Ordinance No. 4 of 2007 may be unnecessarily restrictive with regard to its provisions for "farm based businesses;" particularly when those businesses are located in areas with high levels of non-mechanized farming and low levels of customer/delivery traffic; and

Whereas, section 605 of the Pennsylvania *Municipalities Planning Code* allows additional classifications to be made within any zoning district to, among other things, regulate uses and structures in agricultural areas; and

Whereas, the changes embodied in the amendments below will have a minimal direct impact on traffic

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density or on property owners in districts not impacted by these changes; and

Whereas, the Wilmington Township Supervisors find it in the public interest to establish a new use in Agricultural Districts to be known as "Agricultural Mixed Use" as a means of encouraging the preservation of prime farmland, agricultural operations, and the historic character of the Township; and

Whereas, the Wilmington Township Supervisors find it in the public interest to limit the scope of "Agricultural Mixed Uses" to prevent undue burden on neighbors, to limit the change in character of agricultural areas, and to preserve agricultural areas;

Whereas, the Wilmington Township Supervisors also find the need to allow larger buildings for Farm Based Businesses, but only under certain, tightly limited conditions:

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987 and Ordinance No.4 of 2007, be amended as follows:

1. Add a new section 100.2a to read as follows.

100.2a Agricultural Mixed Use: A farm based business (see sec. 100.34.a-c) operated on a farm or on a parcel of at least four (4) acres where the primary use of the land is for an agricultural purpose (See sec. 800.39).

2. That section 100.34b (see Ordinance No. 4 of 2007) be amended by changing "600" to "1200" and by adding to the end of the section "(See section 800.39.)"

3. That section 100.34c (see Ordinance No. 4 of 2007) be amended by changing "1600" to "3600" and by adding to the end of the section "(See section 800.39.)"

4. That section 700.1 be amended to delete "Small Farm Based Businesses (see sec. 100.34b and 800.39)" from the list of permitted uses and to add "Agricultural Mixed Uses (see sec 800.39) containing Small Farm Based Businesses (see sec. 100.34b and 800.39)" to the list of permitted uses.

5. That section 700.2 be amended to delete "Large Farm Based Businesses (see sec. 100.34c and 800.39)" from the list of conditional uses and to add "Agricultural Mixed Uses (see sec 800.39) containing Large Farm Based Businesses (see sec. 100.34c and 800.39)" to the list of conditional uses.

6. That the current section 800.39 (enacted as part of Ordinance No. 4 of 2007) be repealed.

7. That a new section 800.39 be adopted to read as follows:

Section 800.39 Agricultural Mixed Uses and Farm Based Businesses

800.39.1 - An Agricultural Mixed Use allows the operation of one or two Farm Based Businesses (see sec 100.34a-c) on a Farm (see sec. 100.34) or on a parcel of land of at least four acres. In either case, the parcel must contain the principle residence of the proprietor of the Farm Based Business and the majority of the land must be used for growing crops and/or pasturage.

800.39.1.a If the parcel is a Farm (see 100.34), up to two (2) Farm Based Businesses may be operated.

800.39.1.b If the parcel is less than ten (10) acres then only one (1) Farm Based Business may be operated.

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- 800.39.2 - A Farm Based Business may be operated only as a part of an Agricultural Mixed Use. If such a business is operated on a parcel that does not qualify for an Agricultural Mixed Use (whether by size or location of the parcel), or the proprietor of the business does not wish to comply with the provisions of this section, then the business must be treated as a separate use (see sec. 207.1 (last sentence)) and may be operated only in a Zoning District that allows the particular use.
- 800.39.3 - No more than two (2) employees other than members of the family living on the farm shall participate at the Farm Based Business
- 800.39.4 - The floor area (sec. 100.35) of the building used for the Farm Based Business may not exceed twelve hundred (1200) square feet for a permitted use or thirty-six hundred (3600) square feet for a conditional use.
- 800.39.5 - Percentage of Lot Coverage:
- a. The total area of all buildings, including residence, farm buildings, accessory buildings, and the building for the Farm Based Business shall not cover more than twenty (20) percent of the area of the lot.
 - b. In addition to the area of the lot that may be covered by buildings, no more than ten (10) percent of the land area on the lot may be disturbed for purposes of driveway access, parking areas, and lawns or other landscaping.
- 800.39.6 The expected vehicular traffic generated by the Agricultural Mixed Use (i.e., both the agricultural endeavor and the allowable Farm Based Business) should not average more than ten (10) vehicles per day.
- 800.39.7 - The Supervisors may require screening (see sec. 916) if at the time of the establishment of the Agricultural Mixed Use the property on which the Farm Based Business will operate abuts a Residential or a Commercial Zoning District, or, if at the time of the establishment of the Agricultural Mixed Use a residence on an adjoining property is within one hundred (100') feet of the site of the building for the Farm Based Business.
- a. If the Agricultural Mixed Use involves a Large Farm Based Business (see sec. 100.34c) the Supervisors may impose additional reasonable conditions.
- 800.39.8 - The building used for the Farm Based Business shall be set back at least fifty (50) feet from any street adjacent to the property and at least fifty (50) feet from all property lines. (See also section 917.)
- a. The building used for a Farm Based Business that is part of an Agricultural Mixed Use may be located nearer to the road than the principle residence on the lot, so long as the building does not violate any setback requirements of the Wilmington Township Zoning Ordinance.
- 800.39.9 - The Farm Based Business may not have restrooms, water closets, etc., nor may it generate sewage.
- 800.39.10 - The Farm Based Business must meet all the performance standards of section 901.
- 800.39.11 - Except as noted below, traffic access for Farm Based Businesses must meet all the requirements of sections 914 and 915 of the Township Zoning Ordinance, and must meet the requirements of the Wilmington

Township Driveway Ordinance (Ordinance No. 4 of 2005).

a. Driveways and parking areas for a Farm Based Business that is part of an Agricultural Mixed Use may be graveled rather than paved.

800.39.12 - Parking for the Farm Based Business must be in accord with Article X of this ordinance. If the Farm Based Business is that covered by section 100.34a.1 then the parking requirements for fast food/drive in restaurants shall apply. If the Farm Based Business is that covered by section 100.34a.2 then the parking requirements for a retail store shall apply.

800.39.13 - Signs shall be erected only in accordance with Article XI of this Ordinance.

800.39.14 - In the case of a "Large Farm Based Business" (see sec. 100.34c) the conditional use permit shall cover only the specific business for which the conditional use was requested. If there is a desire to change the nature of the Farm Based Business a new conditional use application must be filed.

800.39.15 - If a Farm Based Business is not operated for three (3) consecutive years, then the approval for the use shall end and any building constructed for the use of the Farm Based Business shall be removed at the owner's expense or converted to an accessory use for the farm.

800.39.16 - Any person wishing to establish a Farm Based Business as part of an Agricultural Mixed Use must notify the Township in writing of the establishment of that business and provide written assurance that the Farm Based Business will meet all the conditions of the Township Zoning Ordinance. This written notification must be provided regardless of whether the Agricultural Mixed Use qualifies as a permitted or a conditional use.

ORDAINED AND ENACTED INTO LAW THIS 15 day of April, 2009.

Wilmington Township

[Signature]

Supervisor

[Signature]

Supervisor

[Signature]

Supervisor

ATTEST:

[Signature]

Secretary

ORDINANCE NO. 1 of 2017

TOWNSHIP OF WILMINGTON, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING ORDINANCE NO. 105, 1987, AND REPEALING ORDINANCE NO. 5 OF 2014 AND ORDINANCE NO. 3 OF 2015 TO AMEND THE PROVISIONS OF THE ZONING ORDINANCE THAT DEAL WITH OIL AND GAS WELLS AND TO INCLUDE PROVISIONS DEALING WITH COMPRESSORS.

The Wilmington Township Supervisors do ORDAIN that Ordinance No. 5, 2014 and Ordinance No. 3 of 2015 be repealed, and that Ordinance No. 105 of 1987 be amended as follows:

1. Add the following new definitions (section 100) to Ordinance No. 105, of 1987:

100.79 Oil Wells, Gas Wells, Compressor Stations

100.79a: Compressor: A device that raises the pressure of natural gas, and/or by-products thereof. Compressors are any devices that create a pressure differential to move or compress a vapor or gas. Any such device, used alone or in series to move a vapor, or a gas is considered a compressor.

100.79b: Compressor Central Station: A facility designed and constructed to compress, and thereby raise the pressure of natural gas coming from multiple well sites for the delivery of gas, and/or by-products thereof, to a transmission pipeline, distribution pipeline, processing plant or storage facility. The station typically includes one or more compressors and associated buildings that house pipes, valves, condensate tanks and other equipment. This facility may have other equipment for the separation and dehydration of gas and/or by-products thereof, excluding chemical or heat processes for separating liquids such as butane or ethane. This facility is intended to serve as part of an upstream (directly from producing well fields) production gathering system, not as part of a transmission system. This type of facility is limited to a maximum of eight (8) compressor units. A facility of this type that proposes more than eight (8) compressor units shall be considered a "Compressor Transmission Station".

100.79c: Compressor Transmission Station: A facility designed and constructed to compress, and thereby raise the pressure of natural gas, and/or the by-products thereof, from a transmission pipeline or multiple gathering systems for the transmission of gas, and/or by-products thereof, including chemical or heat processes for separating liquids such as butane or ethane, to a transmission pipeline, distribution pipeline, processing plant or storage facility. The station typically includes multiple compressors

and associated buildings that house pipes, valves, tanks and other equipment. This facility is intended to serve as part of a transmission system. This type of facility has no minimum or maximum number of compressor units.

100.79d: Compressor, Well Site: A compressor that resides on the well site and serves only the gas wells associated with the specific well site.

100.79e: Well site: The oil and gas well site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling or operation of an oil or gas well, excluding oil and gas processing plants and compressor stations.

100.79f: Well site, conventional: A well site that produces oil or gas from a conventional formation, and which does not require the volume of fluids typically required for unconventional wells. Conventional formations are variable in age, occurring both above and below the Elk Sandstone.

100.79g: Well site, unconventional: A well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing.

100.79h: Reduced Emissions Completion: A well completion following fracturing or refracturing where gas blowback that is otherwise vented is captured, cleaned, and routed to the flow line or collection system, re-injected into the well or another well, used as an on-site fuel source, or used for other useful purposes that a purchased fuel or raw material would serve, with no direct release to the atmosphere except as permitted by 40 CFR Part 63 and other applicable federal and state statutes and regulations.

100.79i: Closed-Loop Fluid Containment System: A system for storing and separating wastes from oil and gas drilling, such as produced water, fracking fluids, condensates, drill cuttings, etc., through a series of storage tanks and equipment to separate out solids (including but not limited to screen shakers, hydrocyclones, centrifuges), with the intent that drilling and fracking fluids do not come into contact with the ground surface and drilling fluids may be recycled and reused in the drilling process.

2. Make the following changes to the uses defined as "special exceptions" in the zoning districts noted:
 - a. Delete from section 500.3 "Oil and Gas Drillings (800.21)"
 - b. Delete from section 600.3 "Oil and Gas Drillings (800.21)"
 - c. Delete from section 700.3 "Oil and Gas Drillings (800.21)"

3. Make the following changes to the uses defined as "conditional uses" in the

zoning districts noted:

- a. Add to section 600.2 "Oil and Gas Drillings (100.79f,g; 800.21)"
- b. Add to section 700.2 "Oil and Gas Drillings (100.79f,g; 800.21)"
- c. Add to section 600.2 "Well Site Compressors (100.79d; 800.21a)"
- d. Add to section 700.2 "Well Site Compressors (100.79d; 800.21a)"
- e. Add to section 600.2 "Compressor Central Stations (100.79b; 800.21a)"
- f. Add to section 700.2 "Compressor Central Stations (100.79b; 800.21a)"
- g. Add to section 600.2 "Compressor Transmission Station (100.79c; 800.21a)"

4. Amend section 800.21 by deleting the words "special exception" in the first sentence and replacing those words with "conditional use".

5. Amend section 800.21.1 by deleting all of the wording after the word "Setbacks:" and replacing it with the following: "All setbacks for oil and gas drilling are to be measured from the vertical well bore (100.79g). The following table sets forth the required setbacks. Should setbacks in the Pennsylvania Oil and Gas Act increase to distances greater than those set forth below, then the setbacks in the Oil and Gas Act shall apply in this ordinance.

Structures and Resources	Conventional Wells	Unconventional Wells
Property line (of property not subject to an oil and gas lease to be served by the well pad) for sections 600 and 700 (industrial, agricultural Zones)	500 feet	450 feet
Public Road	100 feet	100 feet
Existing Building	200 feet	600 feet
Water Well	200 feet	500 feet
Public Water Supply Intake	None	1000 feet
Intermittent stream	None	None
Perennial stream	100 feet	300 feet
Wetlands > 1 acre	None	300 feet
Floodplains	Covered by perennial stream	Covered by perennial stream
Residential or Commercial District Boundary	100 feet	500 feet

6. Add new sections to 800.21.1 to read as follows:

800.21.1a: For the purpose of section 800.21.1, "building" shall include only those structures in which people customarily live or work. For purposes of section 800.21.1, "existing building" shall mean a building for which a building permit has been issued prior to the date of the initial conditional use application for the well site.

800.21.1b: The setback requirements relative to a property line, existing building, water well or public water supply intake may be waived by any adjoining property owner within the setback, with respect to their own property, so long as a) the setback is no less than one hundred (100) feet for a conventional well and two hundred (200) feet for an unconventional well and b) the waiver is set forth in writing, a copy of which is presented at the conditional use hearing, and is recorded with the Lawrence County Register and Recorder.

800.21.1c: Access roads to drilling sites are exempt from the setback requirements from public roads to the extent that the Township Engineer determines it necessary to allow safe access and egress to public roads.

7. Delete 800.21.2; 800.21.3; and 800.21.4.

8. Add a new 800.21.2 to read as follows:

800.21.2: Application Requirements: The applicant shall provide the Township with five (5) copies of all documents and drawings required for the application process. As part of the application for the conditional use the operator shall provide a narrative describing the proposed use and including the following:

- A. The approximate number of acres to be disturbed.
- B. The proposed number of wells.
- C. Provide the Pennsylvania Department of Environmental Protection (PADEP) permit number for all proposed wells if available at the time of the application or provide within fifteen (15) days when issued later.
- D. A map showing the planned access route to the well site on public streets and a plan indicating the general type, approximate number, and typical weight of vehicles used for transportation of materials and equipment.
- E. A schedule of anticipated beginning and ending dates of well site preparation, drilling, perforating, hydraulic fracturing, and initial gas production measured in weeks from the date of approval of the conditional use.

- F. The well survey plat submitted to the PADEP showing the planned surface location of the well. In considering a well location, protection of the health, safety, and welfare of the Township residents must be considered. The applicant shall seek to minimize disturbance to neighboring property owners from noise, light, water or air pollution, or noxious fumes. The applicant shall consider the topographical conditions of the proposed site, including, but not limited to, impacts on neighboring low-lying areas that could be particularly affected (for example, Cottage Grove).
 - G. A site plan prepared by a licensed engineer showing compliance with the standards of this Ordinance.
 - H. The well site emergency address as per 911 registration.
 - I. A copy of the Operator's Preparedness, Prevention, and Contingence ("PPC") Plan as required by the PADEP.
 - J. Copies of the applicant's ESCGP-2 and well site permits, to the extent the same are available at the time of application.
 - K. A general plan for the transmission of the oil or gas from the well site to an off-site pipeline, or a statement that there is no off-site pipeline and what alternative means of transmission will be used. To the extent known at the time of application, the plan shall identify gathering lines and compressor stations that serve the well site and which are located within the Township or within one thousand (1,000) feet beyond the Township boundary. Township approval shall be required to utilize any public right-of-way. Contact information for the pipeline owner and compressor station owner shall also be included.
 - L. Plans for fencing, lighting, screening, and signing that are consistent with the relevant provisions of the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
 - M. Evidence that the proposed well site will comply with all terms and conditions of this Ordinance.
9. Add a new section 800.21.3 to read as follows:

800.21.3: Required safety and emergency management information

- A. The well site operator shall offer to meet with representatives of the School District, the Township Engineer, the Township Supervisors (or their representatives), public safety officials and New Wilmington Borough representatives to develop a traffic management plan to ensure the safety of

pedestrians, students, and drivers on public roads, school crossings, pedestrian crossings, and school bus routes during times of anticipated heavy or frequent truck traffic associated with well site development, drilling, or hydraulic fracturing.

- B. The Township shall be provided with the name of the person supervising the well site drilling operation and a phone number where such person can be reached twenty-four (24) hours a day. The Township shall also be provided with the names and phone numbers of the rig manager on each shift.
- C. Upon request of the Township, the well site operator will, prior to drilling its first oil or gas well in the Township, make available with at least thirty (30) days prior notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the well site operator is conducting any drilling activities in the Township. First responders shall have a minimum of five (5) hours of training per year to meet this standard.

10. Add a new section 800.21.4 to read as follows:

800.21.4: Notification of neighbors: The well site operator shall, in writing via a letter delivered to the addresses of the persons noted, invite residents and owners of properties within one thousand (1,000) feet of the property on which the well site is located, to a meeting, to be held at least thirty (30) days prior to the initiation of drilling. At this meeting the operator shall present their plans for the well and allow time for questions and answers. The well site operator shall also provide, during the meeting, a copy of the well survey plat showing the location of the planned well site; a general description of the operations at the well site and associated equipment to be used in the development of the well site; and the contact information for the operator and the well site supervisor.

11. Add a new section 800.21.5 to read as follows:

800.21.5: Performance standards for well site:

A. Noise Abatement

- 1. Operations at any well site shall comply with the following maximum permissible noise level that shall be measured at the property line subject to a written waiver by all adjoining property owners: sixty (60) db(A). The written waiver shall be presented at the conditional use hearing, and shall be recorded with the Lawrence County Register and Recorder.

In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted above may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

2. If a complaint is received by the Township from a resident regarding noise, the Operator shall, within five (5) business days of receiving notice of the complaint, have an independent party conduct noise monitoring at the property line over a seventy-two (72) hour period and provide a noise analysis to the Township no later than five (5) business days following completion of the monitoring. The Operator shall meet with the Township Supervisors and the resident(s) complaining to discuss whether noise abatement measures are warranted.
3. All well sites with engines or motors that are not electrically operated and that are within four hundred (400) feet of a building shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly installed and maintained in proper working order.
4. The goal of these rules is to identify noise sources related to well site operations that impact surrounding landowners while allowing operators to implement cost-effective and technically feasible mitigation measures to reduce noise from well site operations to acceptable levels. Operators should be aware that noise control is most effectively addressed at the siting and design phase and should plan accordingly.

B. Lighting

1. No lights located on the well site, or under the control of the well site operator or their subcontractors, shall be directed in such a way that they shine on a public road, adjacent property, or property in the general vicinity of the drilling site.
2. Site lighting shall be directed downward and internally, except in cases where the Township Engineer certifies that safety requires deviation from this requirement.
3. Where feasible, exterior lights shall be turned off except when personnel are working on the site or when motion sensors are activated.

C. Truck routes

1. The operator shall submit a road use plan showing the proposed route of all trucks to be utilized for hauling equipment, supplies and the like, and, to the extent available at the time of application, the estimated typical weights of those trucks, and the estimated approximate number of trucks entering and exiting the facility on a daily basis at each point in the

preparation, drilling, and post-drilling processes. As part of the conditional use approval the Supervisors may require escorts for trucks traveling during hours of school bus operations.

2. In conjunction with the Township, the operator shall design the hauling routes to and from the facility to minimize the impact on local roads and to minimize the chance of accidents, particularly given the number of slow moving vehicles and Amish horse buggies that are often on Township roads.
3. The Township reserves the right for all weight restricted roads within the Township to designate, in consultation with the applicant, reasonable alternate routes in the event the applicant's proposed routes are deemed by the Township Engineer to be inadequate, unsafe, or overly disruptive to normal traffic in the Township.
4. The operator shall keep a log of actual use which may be requested from time to time by the Township.
5. At no time shall any vehicle exceeding duly established and posted weight limits travel upon any such restricted Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.

D. Driveways and access roads

1. Access to State roads shall require a Penn DOT highway occupancy permit which must be presented to the Township prior to the initiation of any work on the well site.
2. An off-road area at the entrance to the well site and outside the road right-of-way shall be provided for vehicles to stand while gaining access so that the normal flow of traffic on the public street is undisturbed.
3. Driveways accessing the well site shall be paved with an impervious material from the public road cartway to a point at least fifty (50) feet into the well site. In all other respects the driveway shall conform to section 2504 of the Township Subdivision and Land Development Ordinance, except subsection 2504.3.B.
4. The public road entrance to the property shall be kept free of mud, debris, trash, or other waste materials. The access drive off the public road shall be gated to prevent illegal access into the well site.

E. Well site

1. The well site owner and/or its operator shall secure all applicable permits and comply with all applicable requirements of the PA DEP, the United States Environmental Protection Agency and any other government authority having jurisdiction over a well site facility and operation, and with all federal, state, and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. Copies of all applicable permits must be provided to the Township office within five (5) working days of the date of issue.
2. The well site operator shall provide a full disclosure that the well site facility and its operation is in full compliance with the above (E.1.) paragraph per any written request for documentation of specific compliance by the Township Board of Supervisors or their designated representatives.
3. A failure to provide a satisfactory full disclosure of specific compliance, as determined by the Township Board of Supervisors or their designated representatives, within fifteen (15) working days of the date of the submitted written request can result in legal action for a cease operation order from the Township against the well site operator if a remedy for full disclosure of compliance is not found.
4. Leaks: After any spill or leak which the well site operator is obligated to report to PA DEP, the operator also shall immediately inform the Township and first responders. The operator shall remove or cause to be removed to the satisfaction of the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak, or malfunction has occurred.
5. Containment of fracking wastes: Open retention/detention ponds for fracking wastewater are prohibited. All drilling and fracking fluids must be contained within a closed-loop fluid containment system. An applicant seeking conditional use approval may obtain a waiver of the requirement to use a closed-loop fluid containment system only by establishing that drilling cannot effectively be accomplished using such systems because of specific conditions at the well site and that an alternative system is necessary and will equally protect the health, safety, and welfare of the Township residents. If such a waiver is granted, fracking wastewater generated at other drilling sites may not be brought to the retention/detention pond.
6. Reduced Emissions Completion systems are required and shall be in compliance with 40 CFR Part 63, and other relevant federal and state statutes and regulations.

7. Screening: Every well site shall be screened from adjoining properties and public streets by mounding soil, solid fencing, and/or screen plantings in compliance with section 916 of this Ordinance.
- F. Water Survey Requirements: Prior to the initiation of drilling of a new vertical well bore, the operator shall contract with an independent third party water testing company to offer testing of all existing watercourses and drinking water supplies (surface and groundwater) within two thousand five hundred (2,500) feet of the vertical well bore.
 1. Test requirements: The test shall include at a minimum: DEP Suite Code SAC 946, Methane (dissolved), BTEX (Benzene, toluene, xylene and ethylbenzene), naturally occurring radioactive materials, technologically advanced naturally occurring radioactive materials, and volatile organic compounds. In the event that in the future the DEP utilizes a suite code for testing water for suspected contamination from drilling that is more inclusive than suite code SAC 946, the test shall include any additional sample parameters included in the more inclusive suite code.
 2. Notification of residents: Operators shall notify all residents who own property in, or have a private water well within two thousand five hundred (2,500) feet of a vertical well bore of the offer of water testing prior to the initiation of drilling of a new vertical well bore.
 3. Costs: Operators shall assume all costs associated with the pre-drill testing required by this section.
 4. Lab and result requirements: The Operator shall retain an independent certified laboratory to conduct the required pre-drill testing. A copy of the test results shall be provided by the certified laboratory to the DEP and the landowner.
 5. The operator shall follow all water testing requirements as required by Pennsylvania law.
12. Add a new 800.21.6 to read as follows:

800.21.6: Required Financial Security Guarantees:

- A. The applicant or owner of the well site shall execute an excess maintenance agreement with the Township for a Type 2 permit as per the Pennsylvania Code Chapter 189.4(B) "Road Bonding," and post a bond at the paved highway rate in favor of the Township in a form acceptable to the Township prior to the beginning of any work on a drill site. The bond is to guarantee restoration of Township weight-restricted roads and

bridges damaged as a result of hauling associated with the drilling operation.

13. Add a new 800.21.7 to read as follows:

800.21.7: Miscellaneous provisions relating to oil and gas wells:

- A. Right of access: During the active operation of the well site the Township Supervisors, Township Engineer, and other professionals appointed by the Supervisors shall have access to the well site to determine compliance with the terms of applicable ordinances and any conditions established as part of the approval of the conditional use, upon reasonable notice, and consistent with applicable law and the operator's established safety protocols.
- B. Fee reimbursement: The applicant agrees to reimburse the Township for all reasonable and necessary direct professional consultant fees incurred by the Township relating to site inspections undertaken pursuant to section 800.21.7, including, but not limited to, the Township Engineer, and any other reasonable and direct consultant fees incurred in the conditional use review and approval process, and for any specialized work called for in the conditional use and its conditions. In the event there is a dispute over fees, the dispute shall be handled in accordance with section 2301.4(b) of the Township Subdivision and Land Development Ordinance.

14. Add a new 800.21a to read as follows:

800.21a: Gas compressor stations: (note: 800.21a.1, 2, 3, 4, and 5 shall also apply to compressors located on a well site)

800.21a.1: Setbacks: All setbacks for gas compressor stations are to be measured from the compressor or related buildings, whichever is closer to the nearest property line. The following table sets forth the required setbacks. Should setbacks in the Pennsylvania Oil and Gas Act increase to distances greater than those set forth below, then the setbacks of the Oil and Gas Act shall apply in this ordinance.

Structures and Resources	Compressor Central Station	Compressor Well Site	Compressor Transmission Station
Property line (of property not part of the site plan)	450 feet	250 feet	500 feet
Public Road	100 feet	100 feet	100 feet

Existing Building	750 feet	500 feet	750 feet
Public Water Supply Intake	1000 feet	1000 feet	1000 feet
Intermittent stream	None	None	None
Perennial stream	300 feet	300 feet	300 feet
Wetlands > 1 acre	300 feet	300 feet	300 feet
Floodplains	Covered by perennial stream	Covered by perennial stream	Covered by perennial stream
Residential or Commercial District Boundary	750 feet	500 feet	750 feet

800.21a.1a: For the purpose of section 800.21a.1, "building" shall include only those structures in which people customarily live or work. For purposes of section 800.21a.1, "existing building" shall mean a building for which a building permit has been issued prior to the date of the initial conditional use application for the compressor station.

800.21a.1b: The setback requirements relative to a property line, building, or public water supply intake may be waived by any adjoining property owner within the setback, with respect to their own property, so long as a) the setback is no less than one hundred (100) feet and b) the waiver is set forth in writing, a copy of which is presented at the conditional use hearing, and is recorded with the Lawrence County Register and Recorder.

800.21a.2: Application Requirements: The applicant shall provide the Township with five (5) copies of all documents and drawings required for the application process. As part of the application for the conditional use, the applicant/operator shall provide a narrative describing the proposed use and type of facility, and include the following:

- A. The approximate number of acres to be disturbed, and the associated equipment to be used in developing the compressor station.
- B. A map showing the planned access route to the compressor station on public streets, and a plan indicating the general type, approximate number, and typical weight of vehicles used for transportation of materials and equipment. As part of the conditional use approval, the Supervisors may require escorts for trucks traveling during hours of school bus operations.
- C. A schedule of anticipated beginning and ending dates of construction and the anticipated beginning date of operation of the compressor station.
- D. A site plan prepared by a licensed engineer showing compliance with the standards of this Ordinance. When determining a compressor station's location, protection of the health, safety, and welfare of the Township

residents must be considered. The applicant shall seek to minimize disturbance to neighboring property owners from noise, light, water or air pollution or noxious fumes. The applicant shall consider the topographical conditions of the proposed site, including but not limited to, impacts on neighboring, low-lying areas that could be particularly affected (for example, Cottage Grove).

- E. The emergency address for the compressor station as per 911 registration.
- F. A copy of the Operator's Preparedness, Prevention, and Contingence ("PPC") Plan as required by the PADEP.
- G. Copies of the applicant's ESCGP-2 to the extent available at the time of application.
- H. A general plan for the transmission of the oil or gas from the compressor station. To the extent known at the time of application, the plan shall identify gathering lines and compressor stations that serve the well site and which are located within the Township or within one thousand (1,000) feet beyond the Township boundary. Township approval shall be required to utilize any public right-of-way. Contact information for the pipeline owner and compressor station owner shall also be included.
- I. Plans for fencing, lighting, screening, and signing that are consistent with the relevant provisions of the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
- J. Evidence that the proposed compressor station will comply with all terms and conditions of this Ordinance.

800.21a.3: Required safety and emergency management information:

- A. The Township shall be provided with the name of the person supervising the compressor station and a phone number where such person can be reached twenty-four (24) hours a day.
- B. Upon request of the Township, the operator will, prior to operation of the compressor station make available with at least thirty (30) days prior notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the compressor station is in operation. First responders shall have a minimum of five (5) hours of training per year to meet this standard.

800.21a.4: Notification of neighbors: The compressor station operator shall, in

writing via a letter delivered to the addresses of the persons noted, invite residents and owners of properties within two thousand five hundred (2,500) feet of the property on which the compressor station is to be located to a meeting, to be held at least thirty (30) days prior to the meeting of the Wilmington Township Planning Commission at which the conditional use will be considered. At this meeting, the compressor station operator shall present their plans for the compressor station and allow a time for questions and answers. The compressor station operator shall also provide during the meeting, a general description of the planned operations at the station and the contact information for the station operator and the compressor station supervisor.

800.21a.5: Performance standards for compressor stations:

A. Compressor Station

1. The compressor station owner and/or its operator shall secure all applicable permits and comply with all applicable requirements of the PA DEP, the United States Environmental Protection Agency and any other government authority having jurisdiction over a compressor station facility and operation and with all federal, state, and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. Copies of all applicable permits must be provided to the Township office within five (5) working days of the date issued.
2. The compressor station operator shall provide a full disclosure that the compressor station facility and its operation is in full compliance with the above (A.1.) paragraph per any written request for documentation of specific compliance by the Township Board of Supervisors or their designated representatives.
3. A failure to provide a satisfactory full disclosure of specific compliance, as determined by the Township Board of Supervisors or their designated representatives, within fifteen (15) working days of the date of the submitted written request can result in legal action for a cease operation order from the Township against the compressor station operator if a remedy for full disclosure of compliance is not found.

B. Noise Abatement

1. Operations at any compressor station shall comply with the following maximum permissible noise level that shall be measured at the property line, subject to a written waiver by all adjoining property owners: sixty (60) db(A)
The written waiver shall be presented at the conditional use hearing, and shall be recorded with the Lawrence County

Register and Recorder.

In hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted above may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

2. To protect the health, safety, and welfare of Township residents, all compressor central station (100.79c), compressor transmission station (100.79d), and well site compressor (100.79d) motors must be fueled by electricity or natural gas. Diesel or gasoline motors are prohibited except in case of emergency.
 3. Compressor Stations are to be enclosed in a sound muffling building equipped with a system of filters which filter the emissions associated with the compressors as per DEP or EPA regulations, whichever are more restrictive.
- C. Lighting
1. No lights located on the compressor station, or under the control of the operator or their subcontractors, shall be directed in such a way that they shine on a public road, adjacent property, or property in the general vicinity of the drilling site.
 2. Site lighting shall be directed downward and internally, except in cases where the Township Engineer certifies that safety requires deviation from this requirement.
- D. Installation of buildings, condensate, salt water tanks, and any other structures shall not exceed the height (601.1 & 701.1) and lot coverage limitations (603.1 & 703.1) of the zoning district.
- E. Vapor recovery units, vapor destruction units, or the best technology available must be placed on all condensate tanks at the compressor station.
- F. Drip pans must be placed under any equipment that has the potential to leak.
- G. Driveways and access roads
1. Access to State roads shall require a PennDOT highway occupancy permit which must be presented to the Township prior to the initiation of any work on the well site.

2. An off-road area at the entrance to the site and outside the road right-of-way shall be provided for vehicles to stand while gaining access so that the normal flow of traffic on the public street is undisturbed.
 3. Driveways accessing the compressor station site shall be paved with an impervious material from the public road cartway to a point at least fifty (50) feet into the compressor station site. In all other respects, the driveway shall conform to section 2504 of the Township Subdivision and Land Development Ordinance, except subsection 2504.3.B.
 4. The public road entrance to the property shall be kept free of mud, debris, trash, or other waste materials. The access drive off the public road shall be gated to prevent illegal access into the drill site.
 5. The site address shall be clearly visible on the access gate for emergency purposes. In addition, the sign shall include the name of the operator and the telephone number for the person responsible who may be contacted twenty four (24) hours a day, seven (7) days a week in case of emergency. In lieu of a gate, the operator may provide twenty four (24) hours a day, seven (7) days a week security on-site.
- H. Fencing: The Township may require, in consultation with the applicant, reasonable fencing and/or screening to protect the compressor station and to buffer it from neighbors. Security fencing shall not be required at the compressor station so long as the site is manned twenty four (24) hours a day, seven (7) days a week by on-site supervisors and security personnel.
- I. Leaks: After any spill or leak which the gas compressor station operator is obligated to report to PA DEP, the operator also shall immediately inform the Township and first responders. The operator shall remove or cause to be removed to the satisfaction of the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak or malfunction has occurred.

800.21a.6: Miscellaneous provisions relating to compressor stations:

- A. Right of access: During the operation of the gas compressor station, the Township Supervisors, Township Engineer, and other professionals appointed by the Supervisors shall have access to the site to determine compliance with the terms of applicable ordinances and any conditions

established as part of the approval of the conditional use, upon reasonable notice, and consistent with applicable law and the operator's safety protocols.

- B. Fee reimbursement: The applicant agrees to reimburse the Township for all reasonable and necessary direct professional consultant fees incurred by the Township relating to site inspections undertaken pursuant to section 800.21.7, including but not limited to, the Township Engineer, and any other reasonable and direct consultant fees incurred in the conditional use review and approval process, and for any specialized work called for in the conditional use and its conditions. In the event there is a dispute over fees, the dispute shall be handled in accordance with section 2301.4(b) of the Township Subdivision and Land Development Ordinance.
- C. Compressor Central Station facilities located on land within the Township shall calculate area footprints of buildings, tanks, and peripheral structures and have a combined sum total of area that shall not exceed 10% of the land and shall have minimum of ten (10) acres of land for the facility.
- D. Compressor Central Stations and Compressor Transmission Stations must be situated at a location in the Township that causes the least amount of disturbance to neighbors. Special care must be taken to locate the compressor station as far as is reasonably possible from areas zoned R 1, R2, R3, and from a school structure.


15. Add the following severability clause:

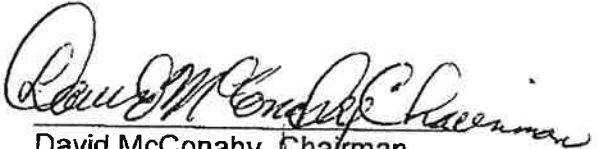
Severability: Should any portion, section, or part of a section of this Ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion, or judgment shall in no way impair the remaining sections of this Ordinance, which said remaining provisions shall be and remain in full force and effect.


ORDAINED and ENACTED into law this 31st day of July, 2017.

ATTEST:

Wilmington Township:

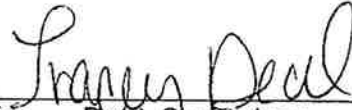

Secretary, Tracey Deal


David McConahy, Chairman



A handwritten signature in black ink, appearing to read "Dc ER", written above a horizontal line.

Darren Elder, Supervisor



A handwritten signature in black ink, appearing to read "Tracey Deal", written above a horizontal line.

Tracey Deal, Supervisor

**ORDINANCE No. 1 of 2019
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA**

**AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING ORDINANCE
No. 105, 1987 TO EXPAND THE HONEYBEE LANE INDUSTRIAL DISTRICT; AND
TO ESTABLISH A NEW ZONING DISTRICT - I-2 "INDUSTRIAL-RESIDENTIAL
TRANSITION DISTRICTS," INCLUDING THE BOUNDARIES OF AND USES
IN SUCH DISTRICTS**

Whereas, the Supervisors of Wilmington Township have determined that there is a need for additional space for industrial uses within the Township; and

Whereas, the owner of the property adjacent to the north side of the Honeybee Lane Industrial District desires that portions of the property, currently zoned as R-1, be rezoned to I; and

Whereas, many of the uses currently allowed in Industrial Districts are not easily compatible with previously existing residential uses that may already exist near Industrial Districts; and

Whereas, the Supervisors of Wilmington Township have determined that all of these needs can be accommodated by the expansion of the Honeybee Lane Industrial District and by the creation of a new I-2 "Industrial-Residential Transition District;"

Now Therefore, the Wilmington Township Supervisors do ORDAIN as follows:

1. Amend the Wilmington Township Zoning Map to extend the boundaries of the Honeybee Lane Industrial District by rezoning from R-1 to I the lands shown on Exhibit A and described in Exhibit B.
2. Add a new paragraph 205.3A to read as follows:
205.3A Industrial-Residential Transition Districts: Industrial-Residential Transition Districts are intended for light and low impact industrial uses that are reasonably compatible with preexisting residential uses that are located adjacent to the Transition District.
3. Amend the Wilmington Township Zoning Map to create an I-2 "Industrial-Residential Transition District" with boundaries as shown in Exhibit A and described in Exhibit C.
4. Add Article VIA to read as follows:

ARTICLE VIA - I-2 INDUSTRIAL-RESIDENTIAL TRANSITION DISTRICT

Section 600A:

600A.1 In I-2 Industrial-Residential Transition Districts, the following uses are permitted:

- Light Industry (that will function only Monday-Friday and between the hours of 7:00 a.m. and 7:00 p.m.)
- Corporate Offices
- Research and Testing Labs
- Municipal Buildings
- Essential Services

- Parking for uses located in an I or I-2 district

600A.2 In I-2 Industrial-Residential Transition Districts, the following are conditional uses:

- Warehouses
- Contractors' Yards
- Building Supplies
- Heavy Industry

600A.3 In I-2 Industrial-Residential Transition Districts, the following are special exceptions:

- Public Utility Structures (800.9)

Section 601A: Height Limits

601A.1 No building shall be erected to a height in excess of fifty (50) feet. (See also Article IX, Section 902.)

Section 602A Required Lot Area

602A.1 Minimum lot size shall be forty thousand (40,000) square feet and lot width of not less than one hundred fifty (150) feet measured at the building line.

Section 603A Percentage of Lot Coverage

603A.1 All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.

603A.2 If a parcel is zoned partly I and partly I-2 green space in the I-2 portion of the parcel may be included in the lot coverage calculation for the use located on the portion of the parcel zoned I.

Section 604A Yard and Setback Requirements

604A.1 Front yard depth - fifty (50) feet (see also Article IX, Section 904.2, Section 910, and Section 917).

604A.2 Side yard - twenty (20) feet.

604A.3 Rear yard depth - fifty (50) feet.

604A.4 Buffer yard - When an Industrial-Residential Transition District abuts a previously existing residential district a buffer yard with width of at least fifty (50) feet must be provided, which yard shall be required to include screen planting as set forth in Article IX, Section 916 and Article VI, Section 607.

604A.5 When a street is the dividing line between an Industrial-Residential transition district and a residential district, the buffer yard shall be at least thirty (30) feet in width and shall include screen planting as set forth in Article IX, Section 916 and Article VI, Section 607.

Section 605A Off Street Parking (See Article X.)

Section 606A Building and/or Zoning Permit (See Article XII.)

Section 607A Signs (See Article XI.)

Section 608A Highway Access (Curb Cuts) (See Article IX, Section 915.)

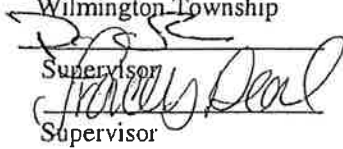
Section 609A Miscellaneous

609A.1 The noise generated by a use in an I-2 District may exceed 90 decibels (measured outside the building) for no more than one fifteen (15) minute period in any four (4) hour period which periods may occur only between the hours of 7:00 a.m. and 7:00 p.m.

609A.2 No vehicle or piece of equipment may be left idling between the hours of 7:00 p.m. and 7:00 a.m.

ORDAINED AND ENACTED INTO LAW THIS 3rd day of June, 2019.

Wilmington Township


Supervisor

Supervisor

Supervisor

ATTEST:


Secretary

Exhibit B

**DESCRIPTION OF I-INDUSTRIAL ZONING DISTRICT
FOR
ELLWOOD SPECIALTY STEEL CO.
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA**

All of that certain parcel of ground situate in Wilmington Township, Lawrence County, Pennsylvania, being more particularly bounded and described as follows:

Beginning at a point in the centerline of an 80 foot right-of-way for State Route 0018, said point being the southwest corner of lands of Ellwood Specialty Steel Co. and the northwest corner of lands now or formerly of Carol Jean Hunter;

thence along the dividing line between lands of Ellwood Specialty Steel Co. and lands now or formerly of Carol Jean Hunter S. 85°-13'-19" E. a distance of 420.32 feet to a point being the southwest corner of the I-Industrial Zoning District, said point being the TRUE PLACE OF BEGINNING;

thence through lands of Ellwood Specialty Steel Co. N. 31°-24'-53" E. a distance of 335.62 feet to a point being the northwest corner of the I-Industrial Zoning District and the southwest corner of the I-2 Industrial-Residential Transition Zoning District;

thence through the same and along the dividing line between the I-Industrial Zoning District and the I-2 Industrial-Residential Transition Zoning District S. 85°-13'-19" E. a distance of 39.68 feet to a point;

thence through and along the same S. 85°-58'-41" E. a distance of 953.70 feet to a point;

thence through and along the same S. 85°-56'-20" E. a distance of 857.17 feet to a point being the northeast corner of the I-Industrial Zoning District and the southeast corner of the I-2 Industrial-Residential Transition Zoning District;

thence through the same S. 01°-41'-04" W. a distance of 300.26 feet to a point on the dividing line between the south property line of Ellwood Specialty Steel Co. and the north property line of lands now or formerly of Fred A. and Mary Criss Garrett, said point being the southeast corner of the I-Industrial Zoning District;

thence along the dividing line between the I-Industrial Zoning District, also known as the south property line of lands of Ellwood Specialty Steel Co., and lands now or formerly of Fred A. and Mary Criss Garrett and lands now or formerly of Praxair Surface Technologies, Inc. and through the same N. 85°-56'-20" W. a distance of 869.52 feet to a point;

thence through the same N. 85°-58'-41" W. a distance of 955.58 feet to a point being the northeast corner of lands now or formerly of Carol Jean Hunter;

thence along the dividing line between the I-Industrial Zoning District, also known as the south property line of lands of Ellwood Specialty Steel Co., and lands now or formerly of Carol Jean Hunter N. 85°-13'-19" W. a distance of 192.13 feet to a point being the true place of beginning. This Zoning District contains 13.32 Acres.

Exhibit C

**DESCRIPTION OF I-2 INDUSTRIAL-RESIDENTIAL TRANSITION ZONING DISTRICT
FOR
ELLWOOD SPECIALTY STEEL CO.
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA**

All of that certain parcel of ground situate in Wilmington Township, Lawrence County, Pennsylvania, being more particularly bounded and described as follows:

Beginning at a point in the centerline of an 80 foot right-of-way for State Route 0018, said point being the northwest corner of lands of Ellwood Specialty Steel Co. and the southwest corner of lands now or formerly of Daniel C. and Patricia A. Kossack;

thence along the dividing line between lands of Ellwood Specialty Steel Co. and lands now or formerly of Daniel C. and Patricia A. Kossack and lands now or formerly of Richard W. and Anita J. Rispoli S. $86^{\circ}-01'-56''$ E. a distance of 432.20 feet to a point being the northwest corner of the I-2 Industrial-Residential Transition Zoning District, said point being the TRUE PLACE OF BEGINNING;

thence along the dividing line between the I-2 Industrial-Residential Transition Zoning District, also known as the north property line of lands of Ellwood Specialty Steel Co., and lands now or formerly of Richard W. and Anita J. Rispoli S. $86^{\circ}-01'-56''$ E. a distance of 878.80 feet to a point;

thence along the same and along lands now or formerly of Gary L. Moore S. $86^{\circ}-04'-37''$ E. a distance of 889.03 feet to a point being the northeast corner of the I-2 Industrial-Residential Transition Zoning District;

thence through lands of Ellwood Specialty Steel Co. S. $01^{\circ}-41'-04''$ W. a distance of 151.36 feet to a point being the southeast corner of the I-2 Industrial-Residential Transition Zoning District and the northeast corner of the I-Industrial Zoning District;

thence through the same and along the dividing line between the I-2 Industrial-Residential Transition Zoning District and the I-Industrial Zoning District N. $85^{\circ}-56'-20''$ W. a distance of 857.17 feet to a point;

thence through and along the same N. $85^{\circ}-58'-41''$ W. a distance of 953.70 feet to a point;

thence through and along the same N. $85^{\circ}-13'-19''$ W. a distance of 39.68 feet to a point being the southwest corner of the I-2 Industrial-Residential Transition Zoning District and the northwest corner of the I-Industrial Zoning District;

thence through the same N. $31^{\circ}-24'-53''$ E. a distance of 166.41 feet to a point being the true place of beginning. This Zoning District contains 6.20 Acres.

ORDINANCE NO. 122 - 2000

WHEREAS, the Supervisors of Wilmington Township, Lawrence County deem it necessary to provide a regulation of adult entertainment establishments.

NOW, THEREFORE, be it resolved by the Supervisors of Wilmington Township, County of Lawrence, Commonwealth of Pennsylvania, as follows:

Section 1: The following ordinance is hereby adopted.

Adult Entertainment Establishment:

1. Purpose and Legislative Intent:
 - A. The location of adult entertainment establishments is of vital concern to the Supervisors when the location is in or near areas where minors may learn, play, pass by or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of township residents, in particular the minors of the community.
 - B. In enacting these regulations for adult entertainment establishments the supervisors exercise the power which has been granted to them. The Supervisors do not attempt or intend to absolutely prohibit adult entertainment establishments in the Township, but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Wilmington Township.

2. Definitions

For the purpose of this Article, "adult entertainment establishments" are defined as follows:

- A. ADULT ARCADE: Any place where the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images displayed are distinguished or characterized by the depicting or describing of nudity or sexual conduct, as defined herein.

- B. ADULT BOOKSTORE: An establishment having a substantial or significant portion of its stock in trade (25% or greater), including but not limited to, video cassettes, movies, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the display of such material.
- C. ADULT BUSINESS: An adult arcade, adult bookstore, adult cabaret, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel, adult newsrack, or any other business featuring adult entertainment, as defined herein.
- D. ADULT CABARET: An establishment devoted to adult entertainment, either with or without a liquor license.
- E. ADULT ENTERTAINMENT: Movies which are unrated or are rated "X" by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines or other printed material or live dramatic, musical or dance performances which depict nudity or sexual conduct, as defined herein.
- F. ADULT LIVE THEATER: Any commercial establishment which features live shows for public viewing in which all or some of the performers are displaying nudity or engaging in sexual conduct, as defined herein.
- G. ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or nudity, as described herein.
- H. ADULT MOTION PICTURE THEATER: An enclosed building with a capacity for accommodating fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or nudity, as defined herein.
- I. ADULT MOTEL: A hotel or motel presenting adult entertainment by means of closed circuit television.
- J. ADULT NEWSRACK: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of nudity or sexual conduct, as defined herein.

Ordinance (con't)

Page 3

- K. NUDITY: The exposure or appearance of a human bare buttock, anus, male or female genitals or female breast.
- L. SEXUAL CONDUCT: Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbations, excretory functions, homosexuality, sodomy, sexual intercourse or contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breast.

3. PERMIT REQUIRED

No person or entity shall conduct an adult entertainment establishment within the Township without first obtaining a permit as provided for in this Ordinance.

- (a) An application for a permit shall be made on a form provided by Wilmington Township. The applicant shall provide truthful accurate, full and complete information as requested in conjunction with the issuance of a permit.
- (b) Wilmington Township shall issue a permit to an applicant within thirty (30) days after receipt of a completed application, unless one or more of the following is found to be true, in which event the Township shall deny the permit within said thirty (30) day period:
1. An applicant is under eighteen (18) years of age,
 2. An applicant has failed to provide the information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the Application form;
 3. The premises to be used for the Adult Entertainment Establishment do not meet each and every requirement of the ordinances of Wilmington Township and the laws of the Commonwealth of Pennsylvania;
 4. The permit fee required by this Article has not been paid;
 5. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance, the Township's Zoning Ordinance or any applicable law of the Commonwealth of Pennsylvania.

Ordinance (con't)

Page 4

- (c) The permit, if granted, shall state on its face the name of the person(s) or entity to whom it is granted, the name address and telephone number of the person in charge of the day to day affairs of the establishment, the address of the Adult Entertainment Establishment, and the issuance and expiration date of said permit. The permit shall be posted in a conspicuous space at or near the main public entrance to the Adult Entertainment Establishment so that it may be easily read at any time.

4. FEES

The annual fee for an Adult Entertainment Establishment shall be one thousand, five hundred dollars (\$1,500.00). This fee is intended to cover substantially all costs including review by the Township Solicitor, and the Supervisors as well as costs of periodic inspecting.

5. INSPECTION

One who has been issued a permit shall at any time that the Adult Entertainment Establishment is occupied or open for business, permit the Township's Zoning Enforcement Officer, the Supervisors, members of the Pennsylvania State Police and the New Wilmington Fire Department to inspect the premises for the purposes of ensuring compliance with the law.

6. EXPIRATION OF PERMIT

- (a) Each permit shall expire one (1) year from the date of issuance and may be renewed only by complying with the application procedure set forth in this ordinance. Application shall be made at least ninety (90) days before the permit expiration date. A decision to renew or deny the issuance of a permit shall be made within thirty (30) days of receipt of the completed application by Wilmington Township.
- (b) Where the applicant certifies, under penalty of perjury, that no change has occurred in the ownership, use possession and/or physical structure of the premises since the date of issuance of the last permit, the applicant shall be permitted to continue the operation of its business under the exact provisions of said permit pending a decision by the Township on the renewal application.

Ordinance (con't)

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7. Suspension and Revocation of Permit

- (a) Wilmington Township shall suspend a permit for a period not to exceed thirty (30) days if it is determined that a permittee or his employee or agent has:
1. Refused to allow an inspection of the Adult Entertainment as authorized by this Article; or
 2. Violated the provisions of the laws of the Commonwealth of Pennsylvania or the United States of America or the Zoning Ordinance of Wilmington Township.
- (b) Wilmington Township shall revoke a permit if a cause of suspension set forth in Section 7 occurs and the permit has been suspended within the preceding twelve (12) months.
- (c) Wilmington Township shall revoke a permit if it is determined that:
1. A permittee gave false or misleading information in the material submitted to the Township during the application process;
 2. The permittee or his employee or agent has knowingly allowed possession, use or sale of controlled substances on the premises;
 3. A permittee or his employee or agent knowingly allowed prostitution on the premises;
 4. A permittee or his employee or agent knowingly operated the Adult Entertainment Establishment during a period of time when the permittee's permit was suspended;
 5. The permittee or his employee or agent has violated this Article, the laws of the Commonwealth of Pennsylvania or the laws of the United States of America or the Wilmington Township Zoning Ordinance on three (3) or more occasions.

8. Transfer of Permit

No permittee shall transfer a permit to any other person or entity or operate an Adult Entertainment Establishment under the authority of a permit at any place other than the address designated in the application.

9. CRIMINAL PENALTIES FOR VIOLATION

- A. Any person who violates or permits the violation of any of the provisions of this ordinance shall upon being found liable therefor in a summary criminal enforcement proceeding commenced by the Township, pay a fine not to exceed \$1000.00, plus all court cost incurred by Township in the enforcement of this ordinance. The penalties imposed shall be deemed to be criminal and not civil violations, and imprisonment shall be imposed to the extent allowed by law for the punishment of summary offenses.
- B. A separate offense shall arise for each day or portion thereof in which a violation is found to exist.

10. OTHER ACTION

This Article shall not be construed to limit the authority of Wilmington Township to pursue any and all other remedies and relief that may be available to it in law or in equity under the laws applicable in any case, including but not limited to the Township's Zoning Ordinance.

11. REPEALER

Any resolution, ordinance or part of any resolution or ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed except as provided for in this Ordinance.

12. SEVERABILITY

If any sentence, clause, section or part of the 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, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

JONATHAN SOLOMON, ESQ. - A FIDELITY & SUIVEY
421 EAST MOODY AVE. - NEW CASTLE, PENNSYLVANIA 19701 - 412-439-3344

Ordinance (con't)

Page 7

13. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 13th day of April, 2000, by the Supervisors of Wilmington Township, Lawrence County, in lawful session duly assembled.

SUPERVISORS OF WILMINGTON TOWNSHIP

Wesley Mitchell
William ...
Carl ...

Attest

Secretary
Secretary

JONATHAN SOLOMON, INC. - ATTORNEY AT LAW
421 EAST MOODY AVE. - NEW CASTLE, PENNSYLVANIA 19101-1144

- ORDINANCE No. 2 of 2010
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE NO. 105, 1987 TO AMEND PROVISIONS
REGULATING SIGNS WITHIN THE TOWNSHIP

Whereas, the Wilmington Township Zoning Ordinance regulates the use of signs within the Township (see Article XI); and

Whereas, the current Ordinance sets clear guidelines on the size and nature of signs that may be used in Residential Districts; and

Whereas, the current Ordinance sets some limits on "Billboards," "Advertising Sign Boards," and "Business Identification" signs, but does not define those terms, nor does it differentiate size and usage of signs by district; and

Whereas, the current Ordinance requires a permit for "the erection or alteration of billboards or advertising sign boards and business identification signs" which seems an unreasonable requirement for small signs identifying businesses conducted on the property on which the sign is erected; and

Whereas, the Wilmington Township Supervisors find the need to clarify and update the provisions of the current Zoning Ordinance to meet the foregoing concerns;

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987, as amended by Ordinance No.4 of 2007, be amended as follows:

1. Add the following definitions to section 100:

100.1-K Advertising Sign Boards.- A large panel (no larger than 200 square feet) designed to carry outdoor advertising for a use that is conducted on the property on which the sign board is erected.

100.7-A Billboard - A large panel (no larger than 200 square feet) designed to carry outdoor advertising for a use not conducted on the property on which the billboard is erected.

100.16-A Business Identification Signs - A small panel (no larger than 20 square feet) designed to carry outdoor advertising for a use that may or may not be conducted on the property on which the sign is erected.

2. Amend sections 600.3 and 700.3 by adding "Billboards (800.6)" to the list of special exceptions in Industrial and Agricultural Districts respectively.

3. Delete section 1102.1 and replace it with the following:

1102.1 - Billboards may be erected only in Industrial and Agricultural Districts, and only as special exceptions. Billboards may not be erected on parcels that are less than one acre in size. No property shall have more than one (1) billboard per acre or per one thousand, five hundred (1500) feet of frontage, whichever is more restrictive. Billboards must meet all the requirements of sections 1104 and 1105, and are allowed only on properties abutting Routes 18, 168, 208, and 956.

1102.2 - Advertising sign boards may be erected and maintained in Commercial and Industrial Districts. Such signs must meet all the requirements of sections 1104 and 1105, as well as the following conditions.

1102.2(a) - Advertising sign boards in Commercial and Industrial Districts are limited to one (1) sign on the building. An additional sign may be erected elsewhere on the property so long as the property is larger than one (1) acre in size.

4. Delete section 1103.1 and replace it with the following:

1103.1 - Business identification signs may be erected and maintained in Commercial, Industrial, and Agricultural Districts. Such signs must meet all the requirements of sections 1104 and 1105, as well as the following conditions:

1102.3(a) - Business identification signs erected on the property on which the use being advertised is conducted are limited to one (1) sign on the building and one (1) sign elsewhere on the property if the parcel is one (1) acre or less, and one (1) sign on the building and two (2) signs elsewhere on the property if the parcel is larger than one (1) acre. No permit is required for business identification signs being erected on the property on which the use being advertised is conducted.

1102.3(b) - Business identification signs erected on a property or properties on which the use being advertised is not being conducted are limited to two (2) signs, whether or not the signs are on the same property. Such signs require a permit.

5. In section 1104.5 replace the language beginning with the word "and" with the following " , as well as for business identification signs on property or properties other than the property on which the use being advertised is conducted."

6. Delete section 1104.7 as its content is covered by language being added in other places.

7. Delete section 1104.9 as its content is covered in the new definitions.

8. Delete from sections 500.2, 600.2, and 700.2 the line reading "Signs (800.6)." The effect of this will be (I think) to make all signs, except billboards, accessory uses, albeit subject to the conditions of Article XI.

Severability and Repealer

1. If any provision or portion of this amendment is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining portions of the amendment shall not be invalidated.

2. All ordinances or parts of ordinances that are inconsistent with any provisions of this amendment are hereby repealed as to the extent of such inconsistencies.

ORDAINED AND ENACTED INTO LAW THIS 6th day of July, 2010.

Wilmington Township
[Signature]
Supervisor
[Signature]
Supervisor
[Signature]
Supervisor

ATTEST:

[Signature]
Secretary

Proposed Zoning Amendment - Draft

01/25/11 RE: New R-3 District

Proposed - ORDINANCE No. 2 of 2011
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE NO. 105, 1987 TO ESTABLISH A NEW ZONING DISTRICT -
R-3 "RESIDENTIAL-COMMERCIAL TRANSITION DISTRICTS."
INCLUDING THE BOUNDARIES OF AND USES IN SUCH DISTRICTS

Whereas, the Supervisors of Wilmington Township have determined that there is a need for additional space for commercial and related uses within the Township; and

Whereas, there is a particular need for space that will reasonable accommodate professional offices; and

Whereas, it is most reasonable to provide space for such uses in areas that are near New Wilmington; and

Whereas, many of the uses currently allowed in Commercial Districts are not compatible with the residential uses currently situated along Route 208 immediately west of New Wilmington;

Now, Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987, as amended by Ordinance No.4 of 2007, be amended as follows:

1. Add a new paragraph 205.1.3 to read as follows:

205.1.3 Residential-Commercial Transition Districts: Residential-Commercial Transition Districts are intended for medium to low density single-family residential uses, and may include multi-family dwellings and commercial uses consistent with the residential character of the district.

2. Amend the Wilmington Township Zoning Map to create a R-3 "Residential-Commercial Transition District" with the following boundaries.

a. Bounded on the north by PA Route 208 following the northern boundary of lands presently owned by Gary and Beverly Martinko and by New Life Baptist Church, and then following the northern boundary of land presently owned by John E. and Elizabeth A. Wengerd a distance of 166.72 feet to a point; and

b. Bounded on the west by the eastern boundary of the current C "Commercial District" that is situated at the southeast corner of the intersection of PA Routes 18 and 208; and

c. Bounded on the south by the southern boundary line of land presently owned by New Life Baptist Church and by an extension of that line across land presently owned by John E. and Elizabeth A. Wengerd a distance of 166.46 feet to a point; and

d. Bounded on the east by a line parallel to the east line of New Life Baptist Church a distance of 720 feet, more or less, to the northern boundary line; and

e. That said area is also identified on a copy of a portion of the current Zoning Map marked Exhibit "A" attached hereto and incorporated herein.

3. Add Article IVA to read as follows:

ARTICLE IVA - R-3 RESIDENTIAL-COMMERCIAL TRANSITION DISTRICT

Section 400A:

400A.1 In R-3 Residential-Commercial Transition Districts, the following uses are permitted:

- Single family detached dwellings
- Accessory Uses
- Municipal Buildings
- Essential Services

400A.2 In R-3 Residential-Commercial Transition Districts, the following are conditional uses:

- Banks
- Churches (100.18; 800.8)
- Dental labs
- Home occupations (100.39; 800.7)
- Music and art studios (
- Professional offices (100.55)
- Signs (100.64; 800.6)
- Two and multi-family housing

400A.3 In R-3 Residential-Commercial Transition Districts, the following are special exceptions:

- Libraries (800.8)
- Public Utility Structures (800.9)

Section 401A: Building Size and Height Limits

401A.1 No building shall be erected to a height in excess of thirty-five (35) feet. (See also Article IX, Section 902.)

401A.2 No building shall be erected with a floor area (100.35) of more than ten thousand (10,000) square feet. Except for buildings used primarily for single-family residences, the calculation of floor area shall include basements and attics.

Section 402A Required Lot Area

402A.1 Minimum lot size shall be forty thousand (40,000) square feet and lot width of not less than one hundred fifty (150) feet measured at the building line, for all lots not served by public water and sanitary sewer systems.

402A.2 Minimum lot size shall be twenty thousand (20,000) square feet and lot width of not less than one hundred (100) feet measured at the building line, for all lots served by public water and sanitary sewer systems.

Section 403A Percentage of Lot Coverage

303A.1 All buildings, including accessory buildings, shall not cover more than thirty (30) percent of the area of the lot.

Section 404A Yard and Setback Requirements

404A.1 Front yard depth - fifty (50) feet (see also Article IX, Section 904.2, Section 910, and Section 917).

404A.2 Side yard - twenty (20) feet.

404A.3 Rear yard depth - thirty (30) feet.

404A.4 The yard depths specified in this section shall constitute the setback lines for all buildings. In all uses other than single family detached dwellings these setbacks shall also apply to parking areas.

404A.5 Buffer yard - Where a commercial use adjoins a residential property the yard adjacent to the residential property shall be covered by screen planting. (See Article IX, Section 916.) The buffer yard shall be required irrespective of the presence or absence of a public right-of-way between the properties.

Section 405A Off Street Parking (See Article X.)

Section 406A Building and/or Zoning Permit (See Article XII.)

Section 407A Signs (See Article XI.)

407A.1 Signs identifying commercial establishments shall not be larger than four (4) feet by eight (8) feet and may be illuminated only during the hours the business is in operation. Only one such sign may be erected on the property.

Section 408A Highway Access (Curb Cuts) (See Article IX, Section 915.)

ORDAINED AND ENACTED INTO LAW THIS 26th day of April, 2011.

Wilmington Township

[Signature]

Supervisor

[Signature]

Supervisor

[Signature]

Supervisor

ATTEST:

[Signature]

Secretary

ORDINANCE NO. 4 of 2013TOWNSHIP OF WILMINGTON, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING ORDINANCE NO. 105, 1987, TO CHANGE THE BOUNDARY OF THE INDUSTRIAL ZONE ON PA ROUTE 208.

WHEREAS, Dairy Farmers of America, Inc. has consolidated property it owns located at the Southwest corner of the PA Routes #208 and #18 intersection; and

WHEREAS, of the total 19.57 acres in the consolidation, 19.18 acres are situated within an "I" Industrial Zoning District, and the remaining 0.39 acres are within an "A" Agricultural Zoning District; and

WHEREAS, it is advantageous to provide a uniform zoning classification for the consolidated property in order to avoid Two (2) different zoning designations for a single parcel.

NOW, THEREFORE, the Wilmington Township Supervisors do **ORDAIN** that Ordinance No. 105, 1987 as amended by Ordinance No. 4 of 2007, be amended as follows:

Amend the Wilmington Township Zoning Map to extend the boundaries of the current agricultural district located on Route 208 by rezoning the following property from "A"-Agricultural to "I" - Industrial:

All of that certain parcel of ground situate in Wilmington Township, Lawrence County, Pennsylvania, being more particularly bounded and described as follows:

Beginning at a point being the Southeast corner of lands to be rezoned, said point being on the South property line of lands of Dairy Farmers of America, Inc. and on the North property line of lands now or formerly of John S. Jr. and Emma L. Byler.

Beginning point also being described from a point in the intersection of Rt. #208 (S.R. 0208) and Rt. #18 (S.R. 0018).

thence along the centerline of Rt. #18 (S.R. 0018) S. 5° 19' 00" W. a distance of 818.88 feet to a point being the Southeast corner of lands of Dairy Farmers of America, Inc., said point also being the Northeast corner of lands now or formerly of John S. Jr. & Emma L. Byler;

thence along the dividing line between lands of Dairy Farmers of America, Inc. and lands now or formerly of John S. Jr. & Emma L. Byler and along the existing zoning line N. 84° 41' 00" W. a distance of 512.32 feet to a point being the place of beginning.

thence along the proposed new zoning line and the dividing line between lands of Dairy Farmers of America, Inc. and lands now or formerly of John S. Jr. & Emma L. Byler N. 55° 51' 41" W. a distance of 278.40 feet to a point being the Northwest corner of lands to be rezoned, said point being on the South property line of lands of Dairy Farmers of America, Inc. and the North property line of lands now or formerly of John S. Jr. & Emma L. Byler;

thence along the existing zoning line and the North line of lands to be rezoned through lands of Dairy Farmers of America, Inc. S. 88° 39' 48" E. a distance of 227.85 feet to a point, being the Northeast corner of lands to be rezoned.

thence along the existing zoning line and the East line of lands to be rezoned through lands of Dairy Farmers of America, Inc. S 1° 00' 00" E. a distance of 150.94 feet to a point, being the place of beginning. This area contains 0.39 acres.

AND BEING, a portion of land consolidated by Deed at Document No. 2013-012693, having Permanent Parcel ID # 37-014503.

ORDAINED AND ENACTED into an Ordinance and passed by the Board of Township Supervisors of the Township of Wilmington on this 4th day of November, 2013.

Attest:

[Handwritten Signature]
Township Secretary

WILMINGTON TOWNSHIP

William D. Allen
Supervisor

David M. Corahey
Supervisor

D. C. [Handwritten]
Supervisor

ORDINANCE No. 2 of 2021
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP
ZONING ORDINANCE No. 105, 1987 TO CLARIFY VARIOUS
DEFINITIONS AND PROVISIONS, AND TO SET FORTH
NEW PROVISIONS DEALING WITH NO-IMPACT
HOME-BASED BUSINESSES, SCHOOLS, SELF-SERVICE
STORAGE BUILDINGS, STREETS, AND SWIMMING POOLS

Whereas, the Wilmington Township Planning Commission has, on the advice of the Township Zoning Officer, determined that some definitions and provisions in the Township Zoning Ordinance need to be clarified and updated; and

Whereas, the current Zoning Ordinance does not contain explicit provisions dealing with no-impact home-based businesses, schools, self-service storage buildings, streets, or swimming pools; and

Whereas, the Wilmington Township Supervisors find it in the public interest to amend the Ordinance to include these clarifications and additions;

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987, be amended by adopting the following changes:

1. Make the following changes to the existing list of "Definitions" (Article I, Section 100):

100.6c Barn: Delete "accessory to a farm" and replace it with "located on a farm."

100.11 Building, Accessory: Delete the current definition and replace it with the following: "A building which is on the same lot with, but detached from, the principal building and which is customarily incidental and subordinate to the principal building, including, but not limited to: private garages, storage sheds, and the like. A barn does not constitute an accessory building."

100.14 Building Line: Delete the current definition; add to the name the word "(Setback);" and replace the current definition with the following: "A line parallel to or concentric with the road right-of-way, the distance of which from the road right-of-way shall be established by the required minimum setback for buildings and/or structures for the district involved. The front yard building line shall be the point at which the lot width shall be measured."

100.17 Cartway: Add the following sentence to the current definition. “The cartway shall not include berms, curbs, and shoulders.”

100.29: Add the following sentence to the end of the current definition: “A building occupied by up to four (4) unrelated individuals, all of whom have unrestricted access to all common living spaces, shall also be considered to be a One-Family Dwelling.”

100.33 Family: Delete the current definition and replace it with the following: “One (1) or more persons related by blood, marriage, or adoption, including not more than two (2) boarders, roomers, or lodgers, and any domestic servants.”

100.36 Floor Area Habitable: Delete the current definition and replace it with the following: “The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, and bedroom; but not including hallways, stairways, cellars, attics, service rooms, utility rooms, bathrooms, closets, and unheated areas such as enclosed porches.”

100.51 Parking Space: Delete “The area required for parking one automobile,” and replace it with “A portion of a lot designed for the parking of a motor vehicle,”

100.67 Structure: Delete the current definition and replace it with the following: “Anything constructed or erected having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including: buildings, billboards, carports, fences, porches and other building features, but excluding sidewalks, drives, paving, storm and sanitary sewers and their appurtenances, stormwater management facilities, and similar features of the infrastructure.”

100.71-A Use Not Specifically Listed (see Ordinance No. 6 of 1999): Delete the current definition.

2. Add the following new definitions to Article I Section 100:

100.47b No-Impact Home-Based Business: “A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use, and which use complies with the requirements of 800.44.”

100.60a School, Public or Private: A recognized institution providing elementary and/or secondary education, or an accredited institution which offers associate,

bachelor, or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania. A residence in which one or more students are home-schooled shall not constitute a School.”

100.62A Self-Service Storage Building - A building which is comprised of individual storage units that are rented to tenants on a short-term basis (e.g., month-to-month) and where the owner or employees of the facility do not have casual access to the interior of the units or their contents.

100.66a Street: All land between right-of-way lines, whether public or private and whether improved or unimproved, which is intended to accommodate vehicular traffic, including avenues, drives, boulevards, highways, roads, freeways, parkways, lanes, viaducts, or other vehicular ways.

100.71b Use Not Specifically Listed: A use which is not specifically listed in a particular zoning district, but which, is determined by the Zoning Hearing Board in accordance with express standards and criteria set forth in this Ordinance to be similar in characteristics and impacts to another use which is specifically listed in the same zoning district as a permitted use, conditional use or use by special exception (see 800.43).” [Minute explanatory: This new definition is the same as that which was adopted in Ordinance 6 of 1999 except for the closing parenthetical. The definition is deleted above and adopted here so that all portions of the Zoning Ordinance dealing with uses not specifically listed are adopted in the same amendment.]

3. Make the following changes to Article III:
 - a. Delete from the list of permitted uses in 300.1 “Farms”
 - b. Add to the list of permitted uses in 300.1 “No-Impact Home-Based Business (100.47b)”
 - c. Add to the list of conditional uses in 300.2 “Farms (100.34)”
 - d. In 304.1 delete from the parenthetical the reference to 904.2.

4. Make the following changes to Article IV:
 - a. Add to the list of permitted uses in 400.1 “No-Impact Home-Based Business (100.47b)”
 - b. In 404.1 delete from the parenthetical the reference to 904.2

5. Make the following changes to Article IVA:
 - a. Add to the list of permitted uses in 400.1 “No-Impact Home-Based Business (100.47b)”

6. Make the following changes to Article V:
 - a. Add to the list of permitted uses in 500.1 “No-Impact Home-Based Business (100.47b)”
 - b. Add to the list of conditional uses in 500.2 “Self-Service Storage Buildings (100.62a)”
 - c. In 504.1 delete from the parenthetical the reference to 904.2
 - d. In 504.3 change “(500 feet” to “(50) feet.”

7. Make the following changes to Article VI:
 - a. Add to the list of permitted uses in 600.1 “No-Impact Home-Based Business (100.47b)”
 - b. Add to the list of permitted uses in 600.1 “Self-Service Storage Buildings (100.62a)”
 - c. In 604.1 delete from the parenthetical the reference to 904.2

8. Make the following changes to Article VIA:
 - a. Add to the list of permitted uses in 600A.1 “No-Impact Home-Based Business (100.47b)”

9. Make the following changes to Article VII:
 - a. Add to the list of permitted uses in 700.1 “No-Impact Home-Based Business (100.47b)”
 - b. In 704.1 delete from the parenthetical the reference to 904.2
 - d. Add to section 704 “704.2 Side yard width - fifteen (15) feet each
 - e. Add to section 704 “704.3 Rear yard depth - fifteen (15) feet

10. Add to Article VIII the following new sections:

800.43 Uses Not Specifically Listed (see 100.71-A) - In determining whether a proposed “Use Not Specifically Listed” is “similar in characteristics and impacts to another use” (see 100-71-A) the Zoning Hearing Board shall consider the following:

 - 800.43.1 That provision for the proposed use is not made in another Zoning District.
 - 800.43.2 That the proposed use is of the same general character as a use or uses specifically listed in the Zoning District for which the use is proposed, or, if not of the same general character, that it is closer in character to a use in the District for which it is proposed than it is to any use specifically listed in any other Zoning District.

800.43.3 That the impact of the use on the environment, and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District.

800.43.4 The use shall comply with all applicable area and bulk regulations and standards and criteria for the most nearly comparable use specifically listed.

800.43.5 The use shall comply with the Performance Standards of Section 901.

800.43.6 The use shall be consistent with the purpose statement for the Zoning District and the statement of community development objectives of this Ordinance.

800.43.7 If the most nearly comparable use is allowed by conditional use or special exception, then the Governing Body or Zoning Hearing Board shall impose any conditions set forth for the most nearly comparable use, and the Governing Body or Zoning Hearing Board may attach such other reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance.

800.44 No Impact Home Based Businesses (see 100.47b)

800.44.1 The business activity shall be compatible with the residential use of the property and surrounding residential uses;

800.44.2 The business shall employ no employees other than family members residing in the dwelling unit;

800.44.3 There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;

800.44.4 There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights;

800.44.5 The business activity shall not use any equipment or process which creates noise, vibrations, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception in excess of that normally associated with residential use.

800.44.6 The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;

800.44.7 The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area;

11. Make the following changes to Article IX:

a. Delete the last sentence of 900.2

b. Delete 904.2

c. Delete the beginning sentence of 905.1 and replace it with "An accessory building may be erected in the rear or side yard and must adhere to the following requirements:"

d. Amend 905.1.1 to change the required setback from "ten (10) feet" to "fifteen (15) feet"

e. Add the following new paragraphs as additions to section 905.1
905.1.4 It shall be at least fifteen (15) feet from each side property line
905.1.5 In residential districts no accessory building shall exceed 18 feet in height.

905.1.6 It shall not project into any minimum required front yard, nor shall it be located in the front yard between the front line of the building and the front lot line.

f. Add a new section 905A to read as follows:

Section 905A SWIMMING POOLS

905A.1: Swimming pools shall:

905A.1.1: Be at least fifteen (15) feet from the rear property line

905A.1.2: Be at least fifteen (15) feet from each side property line

905A.1.3: Be at least fifteen (15) feet from the exterior walls of any dwelling


905A.2: As swimming pools are accessory structures they may not be located in the front yard of the property

g. Delete the current language of Section 910 and replace it with the following: "Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard which is opposite to the front yard on which the principal structure faces. The remaining yard or yards shall be the side yard(s).

ORDAINED AND ENACTED INTO LAW, THIS 6th day of July, 2021.

Attest:


Tracey Deal, Secretary


Dan Kennedy, Chairman


Darren Elder, Supervisor

Supervisor

ORDINANCE No. 3 of 2007
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE No. 105, 1987 TO CLARIFY AND SET FORTH THE
PROCEDURES BY WHICH REQUESTS AND APPLICATIONS UNDER
THE ORDINANCE ARE PRESENTED FOR CONSIDERATION

Whereas, there are a growing number of requests for conditional use approvals and/or zoning changes; and

Whereas, the Wilmington Township Zoning Ordinance does not mandate that such requests must be presented to the Township Planning Commission in advance of the meeting at which the request is to be considered; and

Whereas, the Wilmington Township Zoning Ordinance does not specify the procedures whereby such requests must be presented; and

Whereas, the aforementioned deficiencies make it difficult for the Township Planning Commission to plan its meetings or prepare for its business; and

Whereas, this difficulty can lead to unnecessary delays in processing requests, and frustration for both applicants and the agencies of government; and

Whereas, the Wilmington Township Supervisors find it in the public interest to amend the Ordinance to set forth such procedures;

Now Therefore, the Wilmington Township Supervisors do ORDAIN as follows:

1. That Ordinance No. 105, 1987, be amended by adding a new Section 208 as follows:

Section 208 Procedures

All requests for action by the Wilmington Township Supervisors relative to the Wilmington Township Zoning Ordinance, including, but not limited to, requests for conditional uses, requests that the Ordinance be amended, and requests for changes in the boundaries of zoning districts, must be submitted in writing. Such requests must include a detailed description of the specific action being sought, the property or properties impacted, a rationale for the action, and any other information required by the Township Zoning Ordinance for the particular action being requested.

All such requests must be reviewed by the Township Planning Commission which is charged with making recommendation to the Board of

Supervisors prior to their action. (See Pennsylvania *Municipalities Planning Code* sec. 609, and sections 207.1 and 800 of this Ordinance.)

The Township Planning Commission may establish application forms that must be used for submissions such as those noted above. In the absence of such forms a letter from the applicant is sufficient providing it contains all the information required for the action being requested.

The Township Supervisors shall establish by resolution a schedule of fees for zoning applications. These fees shall be sufficient to cover the costs of processing the application. Such costs include, but are not limited to, the cost of advertising necessary special meetings, the cost of notifying others who might be impacted by the proposed action, and the costs incurred in the hire of a stenographer to record meetings as required by law.

No request for action shall be deemed complete unless it is filed in writing and all fees are paid. Upon receipt of a completed request for action the Township Secretary shall affix to the request the date of submittal.

No request will be considered by the Township Planning Commission or the Supervisors unless it has been filed at least twenty-one (21) days prior to the meeting of the Planning Commission at which the request is to be considered.

If the request involves a conditional use, the Township will not accept changes to the written request unless such changes are in writing and are accompanied by a written statement from the one making the request agreeing that the time for the review process may be extended.

While the Pennsylvania *Municipalities Planning Code* requires that the Township take a formal action (be it positive or negative) on requests for conditional uses, there is no such requirement for requests that the Zoning Ordinance be amended (except in the case of a "landowner curative amendment" (see sec. 609.1 of the MPC)) or that the boundaries of zoning districts be changed. When there is a formal request for an amendment or a change in the zoning map the Planning Commission will formally consider the request but will forward a recommendation to the Supervisors only if the Planning Commission believes such a change to be in the public interest. In addition, neither the Planning Commission nor the Supervisors are limited to the specific intent or language of the one making the request, and there are no time limits within which either the Planning Commission or the Supervisors must act.

As required by the Pennsylvania *Municipalities Planning Code*, all proposed amendments to the Zoning Ordinance must be forwarded to the Lawrence County Planning Commission for their review and comment in accordance with its then prevailing rules and regulations. When the Township Planning Commission desires to recommend an amendment to the Supervisors, the Township Planning Commission shall forward the proposed change to the County Planning Commission. The Township Planning Commission shall consider the comments and recommendation of the County Planning Commission before finalizing its recommendation to the Supervisors. The comments and

recommendations of the County Planning Commission shall be forwarded to the Supervisors along with the proposed amendment.

ORDAINED AND ENACTED INTO LAW THIS 27th day of September, 2007.

Wilmington Township

[Signature]
Supervisor

William S. Allen
Supervisor

[Signature]
Supervisor

ATTEST:

[Signature]
Secretary

ORDINANCE NO. 3 of 2015

TOWNSHIP OF WILMINGTON, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING ORDINANCE NO. 105, 1987, AND REPEALING ORDINANCE NO. 5 OF 2014 TO AMEND THE PROVISIONS OF THE ZONING ORDINANCE THAT DEAL WITH OIL AND GAS WELLS AND TO INCLUDE PROVISIONS DEALING WITH COMPRESSORS.

WHEREAS, much of the Pennsylvania Supreme Court decision in *Robinson Township v. Commonwealth of Pennsylvania* was subsequently held to be nonbinding as legal precedent in *PA Environmental Defense Foundation v. Commonwealth of Pennsylvania* leaving substantially in force prior appellate court decisions dealing with the regulation of oil and gas extraction activities; and

WHEREAS, there is limited land in areas zoned "Industrial" in the Township, and many of those are densely used; and

WHEREAS, the Pennsylvania Municipalities Planning Code states that zoning ordinances shall encourage the continuity of development and viability of agriculture operations (see Sections 105 and 603.h of the MPC), thus suggesting that the Township is on solid ground in not trying to convert land from "Agricultural Zones" to "Industrial Zones"; and

WHEREAS, the Township Zoning Ordinance allows the extraction of various minerals in Agricultural Districts (see 700.2 and 700.3); and

WHEREAS, Ordinance No. 5 of 2014 is more restrictive than permitted by law as currently in force and also limits the land available for oil and gas extraction more than intended;

NOW, THEREFORE, the Wilmington Township Supervisors do **ORDAIN** that Ordinance No. 5, 2014 be repealed, and that Ordinance No. 105 of 1987 be amended as follows:

1. Add the following new definitions (section 100) to Ordinance No. 105, of 1987

100.79 Oil Wells. Gas Wells, Compressor Stations

100.79a: Compressor: A device that raises the pressure of natural gas, and/or by-products thereof. Compressors are any devices that create a pressure differential to move or compress a vapor, or gas. Any such device, used alone or in series to move a vapor, or a gas is considered a compressor.

100.79b: Compressor Central Station: A facility designed and constructed to compress, and thereby raise the pressure of natural gas coming from multiple well sites for the delivery of gas, and/or by-products thereof, to a transmission pipeline, distribution pipeline, processing plant or storage facility. The station typically includes one or more compressors and associated buildings that house pipes, valves, condensate tanks and other equipment. This facility may have other equipment for the separation and dehydration of gas and /or by-products thereof, excluding chemical or heat processes for separating liquids such as butane or ethane. This facility is intended to serve as part of an upstream (directly from producing well fields) production gathering system, not as part of a transmission system. This type of facility is limited to a maximum of eight compressor units. A facility of this type that proposes more than eight compressor units shall be considered a "Compressor Transmission Station".

100.79c: Compressor Transmission Station : A facility designed and constructed to compress, and thereby raise the pressure of natural gas, and / or the by-products thereof, from a transmission pipeline or multiple gathering systems for the transmission of gas, and/or by-products thereof, including chemical or heat processes for separating liquids such as butane or ethane, to a transmission pipeline, distribution pipeline, processing plant or storage facility. The station typically includes multiple compressors and associated buildings that house pipes, valves, tanks and other equipment. This facility is intended to serve as part of a transmission system. This type of facility has no minimum or maximum number of compressor units.

100.79d: Compressor. Well Site: A compressor that resides on the well site and serves only the gas wells associated with the specific well site.

100.79e: Well site: The oil and gas well site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling or operation of an oil or gas well, excluding oil and gas processing plants and compressor stations.

100.79f: Well site. conventional: A well site that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below the Elk Sandstone, and which do not require the volume of fluids typically required for unconventional wells.

100.79g: Well site. unconventional: A well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing.

2. Make the following changes to the uses defined as "special exceptions" in the zoning districts noted:
- Delete from section 500.3 "Oil and Gas Drillings (800.21)"
 - Delete from section 600.3 "Oil and Gas Drillings (800.21)"
 - Delete from section 700.3 "Oil and Gas Drillings (800.21)"

3. Make the following changes to the uses defined as "conditional uses" in the zoning districts noted:
 - a. Add to section 600.2 "Oil and Gas Drillings (100.79f,g: 800.21)"
 - b. Add to section 700.2 "Oil and Gas Drillings (100.79f,g: 800.21)"
 - c. Add to section 600.2 "Compressor Central Stations (100.79b: 800.21a)"
 - d. Add to section 700.2 "Compressor Central Stations (100.79b: 800.21a)"
 - e. Add to section 600.2 " Compressor Transmission Station (100.79c: 80021a)"

4. Amend section 800.21 by deleting the words "special exception" in the first sentence and replacing those words with "conditional use".

5. Amend section 800.21.1 by deleting all of the wording after the word "Setbacks:" and replacing it with the following: "All setbacks for oil and gas drilling are to be measured from the vertical well bore (100.79g). The following table sets forth the required setbacks. Should setbacks in the Pennsylvania Oil and Gas Act increase, then those setbacks shall apply in this ordinance.

<u>Structures and Resources</u>	<u>Conventional Wells</u>	<u>Unconventional Wells</u>
Property line (of property not subject to an oil and gas lease to be served by the well pad) for sections 600, and 700 (industrial, agricultural Zones)	50 feet	50 feet
Public road	100 feet	100feet
Building	200 feet	500 feet
Water Well	200 feet	500 feet
Public Water Supply Intake	None	1000 feet
Intermittent stream	None	None
Perennial stream	100 feet	300 feet
Wetlands > 1 acre	None	300 feet
Floodplains	Covered by perennial stream.	

6. Add new sections to 800.21.1 to read as follows:
 - 800.21.1a: For the purposes of section 800.21.1 "building" shall include only those structures in which people customarily live or work.
 - 800.21.1b: The owner of a property may waive the setback requirements relative to a property line, building, water well or public water supply intake so long as a) the setback is no less than 100 feet for a conventional well and 200 feet for an unconventional well and b) the waiver is set forth in writing and is recorded at the County Court House.
 - 800.21.1c: Access roads to drilling sites are exempt from the setback requirements from public roads to the extent that the Township Engineer determines it necessary to allow safe access and egress to public roads.

7. Delete 800.21.2; 800.21.3; and 800.21.4

8. Add a new 800.21.2 to read as follows:

800.21.2: Application Requirements: The applicant shall provide the Township with five copies of all documents and drawings required for the application process. As part of the application for the conditional use the operator shall provide a narrative describing the proposed use and including the following:

- A. The approximate number of acres to be disturbed.
- B. The proposed number of wells.
- C. Provide PADEP permit number for all proposed wells if available at the time of the application or provided within fifteen (15) days when issued later.
- D. A map showing the planned access route to the well site on public streets, and a plan indicating the general type, approximate number, and typical weight of vehicles used for transportation of materials and equipment.
- E. A schedule of anticipated beginning and ending dates of well site preparation, drilling, perforating, hydraulic fracturing, and initial gas production measured in weeks from the date of approval of the conditional use.
- F. The well survey plat submitted to the PA DEP showing the planned surface location of the well.
- G. A site plan prepared by a licensed engineer showing compliance with the standards of this Ordinance.
- H. The well site emergency address as per 911 registration.
- I. A copy of the Operator's Preparedness, Prevention, and Contingence ("PPC") Plan as required by the PA DEP.
- J. Copies of the applicant's ESCGP-2 and well site permits, to the extent the same are available at the time of application.
- K. A general plan for the transmission of the oil or gas from the well site to an off-site pipeline, or a statement that there is no off-site pipeline and what alternative means of transmission will be used. To the extent known at the time of application, the plan shall identify gathering lines and compressor stations that serve the well site and which are located within the Township or within one thousand (1,000) feet beyond the Township boundary. Township approval shall be required to utilize any public right-of-way. Contact information for the pipeline owner and compressor station owner shall also be included.
- L. Plans for fencing, lighting, screening, and signing that are consistent with the relevant provisions of the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
- M. Evidence that the proposed well site will comply with all terms and conditions of this Ordinance.

9. Add a new section 800.21.3 to read as follows:

800.21.3: Required safety and emergency management information

- A. The well site operator shall meet with representatives of the School District, the Township Engineer, the Township Supervisors (or their representatives), and public safety officials to develop a traffic management plan to ensure safety of pedestrians, students, and drivers on public roads, school crossings, pedestrian crossings, and school bus routes during times of anticipated heavy or frequent truck traffic associated with well site development, drilling, or hydraulic fracturing.
- B. The Township shall be provided with the name of the person supervising the well site drilling operation and a phone number where such person can be reached twenty-four (24) hours a day. The Township shall also be provided with the names and phone numbers of the rig manager on each shift.

C. Upon request of the Township, the well site operator will, prior to drilling its first oil or gas well in the Township, make available with at least thirty (30) days prior notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the well site operator is conducting any drilling activities in the Township. First responders shall have a minimum of five (5) hours of training per year to meet this standard.

10. Add a new section 800.21.4 to read as follows:

800.21.4: Notification of neighbors: The well site operator shall, in writing via a letter delivered to the addresses of the persons noted, invite residents and owners of properties within one thousand (1,000) feet of the property on which the well site is located to a meeting, to be held at least thirty (30) days prior to the initiation of drilling. At this meeting the operator shall present their plans for the well and allow a time for questions and answers. The well site operator shall also provide during the meeting a copy of the well survey plat showing the location of the planned well site; a general description of the planned operations at the well site and associated equipment to be used in the development of the well site; and the contact information for the operator and the well site supervisor.

11. Add a new section 800.21.5 to read as follows:

800.21.5: Performance standards for well site :

A. Noise Abatement

1. Operations at any well site shall comply with the following maximum permissible noise level that shall be measured at the nearest building

- 60 db(A)

In hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted above may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

2. For the purposes of this section "building" shall include only those structures where people customarily live and work.

3. All well sites with engines or motors that are not electrically operated and that are within four hundred (400) feet of a building shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly installed and maintained in proper working order.

4. The goal of these rules is to identify noise sources related to well site operations that impact surrounding landowners while allowing operators to implement cost-effective and technically feasible mitigation measures to reduce noise from well site operations to acceptable levels. Operators should be aware that noise control is most effectively addressed at the sitting and design phase and should plan accordingly.

B. Lighting

1. No lights located on the well site, or under the control of the well site operator or their subcontractors, shall be directed in such a way that they shine on a public road, adjacent property, or property in the general vicinity of the drilling site.

2. Site lighting shall be directed downward and internally, except in cases where the Township Engineer certifies that safety requires deviation from this requirement.

3. Where feasible, exterior lights shall be turned off except when personnel are working on the site or when motion sensors are activated.

C. Truck routes

1. The operator shall submit a road use plan showing the proposed route of all trucks to be utilized for hauling equipment, supplies and the like, and, to the extent available at the time of application, the estimated typical weights of those trucks, and the estimated approximate number of trucks entering and exiting the facility on a daily basis at each point in the preparation, drilling, and post-drilling processes.
2. In conjunction with the Township, the operator shall design the hauling routes to and from the facility to minimize the impact on local roads and to minimize the chance of accidents, particularly given the number of slow moving vehicles and Amish horse buggies that are often on Township roads.
3. The Township reserves the right for all weight restricted roads within the Township to designate, in consultation with the applicant, reasonable alternate routes in the event the applicant's proposed routes are deemed by the Township Engineer to be inadequate, unsafe, or overly disruptive to normal traffic in the Township.
4. The operator shall keep a log of actual use which may be requested from time to time by the Township.
5. At no time shall any vehicle exceeding duly established and posted weight limits travel upon any such restricted Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.

D. Driveways and access roads

1. Access to State roads shall require a Penn DOT highway occupancy permit which must be presented to the Township prior to the initiation of any work on the well site.
2. An off-road area at the entrance to the well site and outside the road right-of-way shall be provided for vehicles to stand while gaining access so that the normal flow of traffic on the public street is undisturbed.
3. Driveways accessing the well site shall be paved with an impervious material from the public road cartway to a point at least fifty (50) feet into the well site. In all other respects the driveway shall conform to section 2504 of the Township Subdivision and Land Development Ordinance, except subsection 2504.3.B.
4. The public road entrance to the property shall be kept free of mud, debris, trash, or other waste materials. The access drive off the public road shall be gated to prevent illegal access into the well site.

E. Well Site

1. The well site and / or its operation shall secure all applicable permits and comply with all applicable requirements of the PA DEP, the United States Environmental Protection Agency and any other government authority having jurisdiction over a well site facility and operation and with all federal, state, and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. Copies of all applicable permits must be provided to the township office within 5 working days of the date of issue.
2. The well site operator shall provide a full disclosure that the well site facility and its operation is in full compliance with the above (E. 1.) paragraph per any written request for documentation of specific compliance by the Township Board of Supervisors or their designated representatives.

3. A failure to provide a satisfactory full disclosure of specific compliance, as determined by the Township Board of Supervisors or their designated representatives, within 15 working days of the date of the submitted written request can result in legal action for a cease operation order from the Township against the well site operator if a remedy for full disclosure of compliance is not found.

4. Leaks: After any spill or leak which the well site operator is obligated to report to PA DEP, the operator also shall immediately inform the Township and first responders. The operator shall remove or cause to be removed to the satisfaction of the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak, or malfunction has occurred.

12. Add a new 800.21.6 to read as follows:

800.21.6: Required Financial Security Guarantees:

A. The applicant or owner of the well site shall execute an excess maintenance agreement with the Township for a Type 2 permit as per the Pennsylvania Code Chapter 189.4(B) "Road Bonding," and post a bond at the paved highway rate in favor of the Township in a form acceptable to the Township prior to the beginning of any work on a drill site. The bond is to guarantee restoration of Township weight-restricted roads and bridges damaged as a result of hauling associated with the drilling operation.

13. Add a new 800.21.7 to read as follows:

800.21.7: Miscellaneous provisions relating to oil and gas wells:

A. Right of access: During the active operation of the well site the Township Supervisors, Township Engineer, and other professionals appointed by the Supervisors shall have access to the well site to determine compliance with the terms of applicable ordinances and any conditions established as part of the approval of the special exception, upon reasonable notice, and consistent with applicable law and the operator's established safety protocols.

B. Fee reimbursement: The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township relating to site inspections undertaken pursuant to section 800.21.7, including, but not limited to, the Township Engineer, and any other reasonable and direct consultant fees incurred in the special exception review and approval process, and for any specialized work called for in the special exception and its conditions. The sum total for all fees paid to the Township, no matter the number of site inspections, shall not exceed \$ 5000 per well site. In the event there is a dispute over fees, the dispute shall be handled in accordance with section 2301.4(b) of the Township Subdivision and Land Development Ordinance.

14. Add a new 800.21a to read as follows:

800.21a: Gas compressor stations (note: 800.21a.1,2,3,4,and 5 shall also apply to compressors located on a well site)

800.21a.i: Setbacks: All setbacks for Gas compressor stations are to be measured from the compressor or related buildings whichever is closer to the nearest property line. The following table sets forth the required setbacks. Should setbacks in Pennsylvania Oil and Gas Act increase, then those setbacks shall apply in this ordinance.

Structures and Resources

	Compressor Central Station	Compressor Well Site	Compressor Transmission Station
Property line (of property not part of the site plan)	200 feet	50 feet	200 feet
Public road	100 feet	100 feet	100 feet
Building	750 feet	500 feet	750 feet
Public Water Supply Intake	1000 feet	1000 feet	1000 feet
Intermittent stream	none	none	none
Perennial stream	300 feet	300 feet	300 feet
Wetlands > 1 acre	300 feet	300 feet	300 feet
Floodplains	Covered by perennial stream.	Covered by perennial stream	Covered by perennial stream

The owner of a property may waive the setback requirements relative to a property line, building or public water supply intake so long as a) the setback is no less than 100 feet and b) the waiver is set forth in writing and is recorded at the County Court House.

800.21a.2: Application Requirements: The applicant shall provide the Township with five (5) copies of all documents and drawings required for the application process. As part of the application for the conditional use the operator shall provide a narrative describing the proposed use, type of facility, and including the following:

- A. The approximate number of acres to be disturbed and the associated equipment to be used in developing the compressor station.
- B map showing the planned access route to the well site on public streets, and a plan indicating the general type, approximate number, and typical weight of vehicles used for transportation of materials and equipment.
- C. A schedule of anticipated beginning and ending dates of construction and the anticipated beginning date of operation of the compressor station.
- D. A site plan prepared by a licensed engineer showing compliance with the standards of this Ordinance.
- E. The emergency address for the compressor station as per 911 registration.
- F. A copy of the Operator's Preparedness, Prevention, and Contingence ("PPC") Plan as required by the PADEP.
- G. Copies of the applicant's ESCGP-2 to the extent available at the time of application.
- H. A general plan for the transmission of gas to and from the compressor station. To the extent known at the time of application, the plan shall identify all pipelines and all other compressor stations that will interface with the compressor station being proposed, and which are located with the Township or within one thousand (1,000) feet beyond the Township boundary. Township approval shall be required to utilize any public right-of-way. Contact information for the pipeline owner(s) shall also be included.
- I. Plans for fencing, lighting, screening, and signing that are consistent with the relevant provisions of the Township Zoning Ordinance and Subdivision and Land Development Ordinance.
- J. Evidence that the proposed compressor station will comply with all terms and conditions of this Ordinance.

800.21a.3: Required safety and emergency management information

A. The Township shall be provided with the name of the person supervising the compressor station and a phone number where such person can be reached twenty-four (24) hours a day.

B. Upon request of the Township, the operator will, prior to operation of the compressor station make available with at least thirty (30) days prior notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the compressor station is in operation. First responders shall have a minimum of five (5) hours of training per year to meet this standard.

800.21a.4: Notification of neighbors: The compressor station operator shall, in writing via a letter delivered to the addresses of the persons noted, invite residents and owners of properties within two thousand, five hundred (2,500) feet of the property on which the compressor station is to be located to a meeting, to be held at least thirty (30) days prior to the meeting of the Wilmington Township Planning Committee at which the conditional use will be considered. At this meeting the compressor station operator shall present their plans for the compressor station and allow a time for questions and answers. The compressor station operator shall also provide during the meeting a general description of the planned operations at the station and the contact information for the station operator and the compressor station supervisor.

800.21a.5: Performance standards for compressor stations:

A. Compressor Station

1. The compressor station and / or its operation shall secure all applicable permits and comply with all applicable requirements of the PA DEP, the United States Environmental Protection Agency and any other government authority having jurisdiction over a compressor station facility and operation and with all federal, state, and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. Copies of all applicable permits must be provided to the Township office within 5 working days of the date issued.

2. The compressor station operator shall provide a full disclosure that the compressor station facility and its operation is in full compliance with the above (A. 1.) paragraph per any written request for documentation of specific compliance by the Township Board of Supervisors or their designated representatives.

3. A failure to provide a satisfactory full disclosure of specific compliance, as determined by the Township Board of Supervisors or their designated representatives, within 15 working days of the date of the submitted written request can result in legal action for a cease operation order from the Township against the compressor station operator if a remedy for full disclosure of compliance is not found.

B. Noise Abatement

1. Operations at any compressor station shall comply with the following maximum permissible noise level, that shall be measured at the property line, subject to a written waiver of the adjoining property owner.

- 60 db(A)

- In hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted above may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

Editorial Comment Regarding Item 800.21a.5.B.2 on page 10 of this Ordinance
(page ZONAMD 195 of the Compendium)

The copy of the Ordinance in the Supervisors' minutes contains a line that was somehow blacked out in the copying process. There does not appear to be a signed copy of the Ordinance that does not contain this flaw. In the proposed ordinance submitted by the Planning Commission to the Supervisors the second sentence of item B.2 reads as follows (with the words underlined reflecting the words that were inadvertently blacked out). "All mufflers shall be properly installed and maintained in proper working order." To my knowledge the Supervisors made no changes to this section, but adopted it as the Planning Commission recommended.

FRN
08/12/19

2. All compressor stations with engines or motors that are not electrically operated shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly

3. The goal of these rules is to identify noise sources related to oil and gas operations that impact surrounding landowners while allowing operators to implement cost-effective and technically feasible mitigation measures to reduce noise from compressor stations to acceptable levels. Operators should be aware that noise control is most effectively addressed at the siting and design phase and should plan accordingly.

C. Lighting

1. No lights located on the compressor station, or under the control of the operator or their subcontractors, shall be directed in such a way that they shine on a public road, adjacent property, or property in the general vicinity of the drilling site.

2. Site lighting shall be directed downward and internally, except in cases where the Township Engineer certifies that safety requires deviation from this requirement.

D. Installation of buildings, condensate and salt water tanks, and any other structures shall not exceed the height (601.1 & 701.1) and lot coverage limitations (603.1 & 703.1) of the zoning district.

E. Vapor recovery units, vapor destruction units, or the best technology available must be placed on all condensate tanks at the compressor station.

F. Drip pans must be placed in under any equipment that has the potential to leak.

G. Driveways and access roads

1. Access to State roads shall require a PennDOT highway occupancy permit which must be presented to the Township prior to the initiation of any work on the well site.

2. An off-road area at the entrance to the site and outside the road right-of-way shall be provided for vehicles to stand while gaining access so that the normal flow of traffic on the public street is undisturbed.

3. Driveways accessing the compressor station site shall be paved with an impervious material from the public road cartway to a point at least fifty (50) feet into the compressor station site. In all other respects the driveway shall conform to section 2504 of the Township Subdivision and Land Development Ordinance, except subsection 2504.3.B.

4. The public road entrance to the property shall be kept free of mud, debris, trash, or other waste materials. The access drive off the public road shall be gated to prevent illegal access into the drill site.

5. The site address shall be clearly visible on the access gate for emergency purposes. In addition, the sign shall include the name of the operator and the telephone number for the person responsible who may be contacted 24/7 in case of emergency. In lieu of a gate the operator may provide 24/7 security on-site.

H. Fencing: The Township may require, in consultation with the applicant, reasonable fencing and/or screening to protect the compressor station and to buffer it from neighbors. Security fencing shall not be required at the compressor station so long as the site is manned 24/7 by on-site supervisors and security personnel.

I. Leaks: After any spill or leak which the gas compressor station operator is obligated to report to PA DEP, the operator also shall immediately inform the Township and first responders. The operator shall remove or cause to be removed to the satisfaction of the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak, or malfunction has occurred.

800.21a.6: Miscellaneous provisions relating to compressor stations:

A. Right of access: During the operation of the gas compressor station the Township Supervisors, Township Engineer, and other professionals appointed by the Supervisors shall have access to the site to determine compliance with the terms of applicable ordinances and any conditions established as part of the approval of the special exception, except upon reasonable notice, and consistent with applicable law and the operator's safety protocols.

B. Fee reimbursement: The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township relating to site inspections undertaken pursuant to section 800.21.7, including, but not limited to, the Township Engineer, and any other reasonable and direct consultant fees incurred in the special exception review and approval process, and for any specialized work call for in the special exception and its conditions. The sum total fee reimbursement for any number of site inspections for any one calendar year period shall not exceed \$ 2000. In the event there is a dispute over fees the dispute shall be handled in accordance with section 2301.4(b) of the Township Subdivision and Land Development Ordinance.

C. Compressor Central Station facilities located on land within the Township shall calculate area footprints of buildings, tanks, and peripheral structures and have a combined sum total of area that shall not exceed 10% of the land and shall have minimum of 10 acres of land for the facility.

D. Compressor Central Stations and Compressor Transmission Stations must be situated at a location in the Township that causes the least amount of disturbance to neighbors. Special care must be taken to locate the compressor station as far as is reasonably possible from areas zoned R1, R2, R3, and from schools.

ORDAINED and ENACTED into law this 21st day of December, 2015.

Wilmington Township

David M Emby
Supervisor

Dee
Supervisor

Tracy Deal
Supervisor

ATTEST:

Tracy Deal
Secretary

**TOWNSHIP OF WILMINGTON
LAWRENCE COUNTY, PENNSYLVANIA**

**AN ORDINANCE REGULATING DRIVEWAY CONSTRUCTION CONNECTING
TO STREETS, AND PRESCRIBING PENALTIES FOR VIOLATION.
ORDINANCE NO. 4 OF 2005.**

The Supervisors of Wilmington Township hereby ordain:

§1. Driveway Locations and Standards.

A. Driveways shall be located no less than Sixty (60) feet from any street intersection (measured from the intersection of the ultimate right-of-way lines). Sight distance requirements for all residential and non-residential driveways shall be in accordance with PennDOT Chapter 441.

B. All driveways shall be at least Five (5) feet from any side or rear lot line.

C. All driveways shall be a minimum of Eight (8) feet in width.

D. Driveways shall be constructed to conform to the finished shoulder of the road or street. All descending or ascending driveway grades shall begin at the street right-of-way. No stormwater shall be permitted to drain onto streets from driveways.

E. Intersection with cartways shall be installed with minimum radii of Five (5) feet at both sides.

F. Provisions "A" through "E" shall control unless there be more restrictive PennDOT regulations for driveways connection to State roads.

§2. Installation of Drainage Pipe. Driveways shall be constructed in a manner which does not impede the flow of stormwater in roadside drainage facilities. Drainage culverts are required as follows:

1. Driveway culverts must include flared end sections.
2. End of pipes must extend a minimum of Five (5) feet beyond edge of paving.
3. Minimum pipe length is Twenty (20) feet.

4. Minimum pipe size shall be Fifteen (15) inch smooth bore plastic, or as otherwise approved by the Township Engineer, or by PennDOT if the driveway connects to a State road.

5. Where an existing roadside drainage swale is too shallow to permit installation of a driveway pipe, a concrete trench box with grate may be required to be installed to the grate. Trench boxes must extend beyond edge of driveway paving a minimum of Five (5) feet.

§3. **Permit Required.** Before any private driveway may be constructed to intersect with any public street or road, a permit shall be obtained from the Township.

§4. **Fee.** The fee for a driveway permit shall be \$10.00.

§5. **Variance.** The Township may grant a variance to the requirements of Section 2 herein, if conditions do not require the need for installation of a drainage pipe.

§6. **Rectification of Improper Work.** In case any person shall construct a driveway and shall not conform to the requirements of this ordinance, the Supervisors may order such person, firm or corporation to remove the improper work and replace the same in compliance with this ordinance. Notice to remove and replace improper work shall be given by registered or certified mail, and shall state that the person, firm or corporation shall have Thirty (30) days from receipt of the notice to comply therewith. Upon noncompliance, the Township may do or cause the requested repairs to be done and may levy the cost of its work on such owner as a property lien to be collected in any manner provided by law.

§6. **Penalties.** Any person, firm or corporation who shall fail to obtain a permit before constructing a private driveway shall, upon conviction thereof, be sentenced to pay a fine not more than Three Hundred (\$300.00) dollars, and/or to imprisonment for a term not to exceed Ninety (90) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

§7. **Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§8. Severability If any sentence, clause, section, or part 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, sections or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not have been included herein.

§9. Effective Date. This ordinance shall become effective on 10-04-05, 2005.

ORDAINED AND ENACTED INTO LAW THIS THIRD DAY OF OCTOBER 2005.

WILMINGTON TOWNSHIP

[Signature]
William S. Allen
[Signature]

JONATHAN SOLIS-SON, P.C. - ALFORD YATI LAW
421 EAST MOODY AVE. NEW CASTLE, PENNSYLVANIA 16105-1724 (610) 393-1111

ORDINANCE No. 4 of 2007
 WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
 ORDINANCE No. 105, 1987 TO CLARIFY AND SET FORTH THE
 ALLOWABLE OPERATION OF CERTAIN BUSINESSES ON FARMS
 LOCATED IN AGRICULTURAL DISTRICTS AND PROVIDING A
 DEFINITION OF FARM BASED BUSINESS

Whereas, a growing number of farmers desire to operate a business on their farm, which business is not covered by the definition of a farm (sec. 100.34) and which business is, therefore, in addition to the primary use of the land; and

Whereas, the Wilmington Township Zoning Ordinance does make allowance for home occupations (sec. 100.39) and for roadside stands (sec. 800.16), neither of which cover the kinds of businesses described below; and

Whereas, the operation on a farm of businesses other than home occupations or roadside stands appears to violate the Township Zoning Ordinance which allows only one principal use per lot (sec 207.1); and

Whereas, allowing the operation of certain additional businesses on farms may encourage the preservation of farms and farmland (see sec. 204.1 and 204.8); and

Whereas, such preservation is consistent with the goal of the Pennsylvania *Municipalities Planning Code* that the preservation of prime agricultural land be encouraged (see sections 105, 603.c.7, 603.g, and 603.h of the MPC); and

Whereas, the operation of *Farm Based Businesses*, as defined in this ordinance, will have minimal impact on traffic or neighboring property owners; and

Whereas, the Wilmington Township Supervisors find it in the public interest to amend the Ordinance to include, subject to the limitations herein, *Farm Based Businesses*; and

Whereas, the Wilmington Township Supervisors find it in the public interest to limit the size of *Farm Based Businesses* to prevent undue burden on neighbors, to limit the change in character of agricultural areas, and to preserve agricultural areas (see sec. 205.4); and

Whereas, the Wilmington Township Supervisors also find the need to clarify that *Farm Based Businesses* are permissible only in the Agriculture Districts, and, depending on their size, are either permitted or conditional uses;

Now Therefore, the Wilmington Township Supervisors do ORDAIN as follows:

1. That Ordinance No. 105, 1987, be amended by adding to the list of "Definitions" (Article I,

Section 100) the following new definitions:

100.34a Farm Based Business:

100.34a.1 The selling at retail to the general public of what is primarily grown or produced on the farm (sec. 100.34), or

100.34a.2 The sale, repair, or production of goods which, while ancillary to the primary use of the land as a farm (sec. 100.34), are in keeping with the agricultural endeavor. Examples of the latter include woodworking, furniture making, harness shops, quilt shops, light machine repairs, etc. This definition excludes slaughterhouses, saw mills, automotive repair or body shops, soil and mineral extraction, etc. It also excludes those activities specifically noted as excluded in the definition of a farm (sec. 100.34).

(See Article VIII, Section 800.39 for conditions associated with either type of farm based business.)

100.34b Farm Based Business, Small: A farm based business (see sec. 100.34a) using a building the floor area of which is six hundred (600) square feet or less.

100.34c Farm Based Business, Large: A farm based business (see sec. 100.34a) using a building the floor area of which is greater than six hundred (600) square feet but no larger than twelve hundred (1200) square feet.

2. That section 700.1 be amended to add "Small Farm Based Businesses (see sec. 100.34b and 800.39)" to the list of permitted uses.

3. That section 700.2 be amended to add "Large Farm Based Businesses (see sec. 100.34c and 800.39)" to the list of conditional uses.

4. That Article VIII be amended by adding a new Section 800.39 (to follow the amendment on "Bed and Breakfasts") to read as follows:

Section 800.39 Farm Based Businesses:

800.39.1 - Farm based businesses are permitted only on farms of ten (10) or more acres (see sec. 100.34)

800.39.2 - No more than two (2) employees other than members of the family living on the farm shall participate in or work at the farm based business.

800.39.3 - The floor area (sec. 100.35) of the building used for the farm based business may not exceed six hundred (600) square feet for a permitted use or twelve hundred (1200) square feet for a conditional use.

800.39.4 - The area of the building used for the farm based business shall be included in the calculation of lot coverage as specified by section 703.1.

800.39.5 - The building used for the farm based business shall be set back at least fifty (50) feet from any street adjacent to the property and at least fifty (50) feet from all property lines. (See also section 917.)

800.39.6 - The farm based business may not have restrooms, water closets,

etc., nor may it generate sewage.

800.39.7 - The farm based business must meet all the performance standards of section 901.

800.39.8 - Traffic access for farm based businesses must meet all the requirements of sections 914 and 915 of the Township Zoning Ordinance, and must meet the requirements of the Wilmington Township Driveway Ordinance (Ordinance No. 4 of 2005).

800.39.9 - Parking for the farm based business must be in accord with Article X of this ordinance. If the farm based business is that covered by section 100.34a.1 then the parking requirements for fast food/drive in restaurants shall apply. If the farm based business is that covered by section 100.34a.2 then the parking requirements for a retail store shall apply.

800.39.10 - Signs shall be erected only in accordance with Article XI of this ordinance.

800.39.11 - In the case of a "Large Farm Based Business" (see sec. 100.34c) the conditional use permit shall cover only the specific business for which the conditional use was requested. If there is a desire to change the nature of the farm based business a new conditional use application must be filed.

800.39.12 - If a farm based business is not operated for three (3) consecutive years, then the approval for the use shall end and any building constructed for the use of the farm based business shall be removed at the owner's expense or converted to an accessory use for the farm.

ORDAINED AND ENACTED INTO LAW THIS 4th day of September, 2007.

Wilmington Township

John P. Allen

Supervisor

William S. Allen

Supervisor

[Signature]

Supervisor

ATTEST:

[Signature]

Secretary

ORDINANCE No. 5 of 2007
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE No. 105, 1987 TO CLARIFY THE USE OF
HOME OCCUPATIONS AND ROADSIDE STANDS ON
FARMS LOCATED IN AGRICULTURAL DISTRICTS AND
AMENDING THE DEFINITION OF ROADSIDE STANDS

Whereas, a growing number of farmers desire to operate a home occupation or roadside stand on their farm; and

Whereas, the Wilmington Township Zoning Ordinance does make allowance for home occupations (sec. 100.39) and for roadside stands (sec. 800.16); and

Whereas, the operation of home occupations and roadside stands on farms, as defined in this ordinance, will have minimal impact on traffic or neighboring property owners; and

Whereas, the Wilmington Township Supervisors find it in the public interest to amend the Ordinance to make home occupations and roadside stands permitted uses on farms in agricultural districts; and

Whereas, the Wilmington Township Supervisors find that large roadside stands are not in the public interest in that they may pose an undue burden on neighbors and traffic flow, and they change the character of agricultural areas;

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987, be amended as follows:

1. Add the following to the list of permitted uses in Section 700.1:
 - Home occupations operated on farms and meeting the criteria of sec. 800.7 (see also secs. 100.34 and 100.39)
 - Roadside stands operated on farms and meeting the criteria of sec. 800.16 (see also sec. 100.34)
2. Add to section 800.16 the following:
800.16.3 The floor area of roadside stands may not exceed six hundred (600) square feet.

ORDAINED AND ENACTED INTO LAW THIS 4th day of September, 2007.

Wilmington Township

John E. Allen

Supervisor

William S. Allen

Supervisor

[Signature]

Supervisor

ATTEST:

[Signature]

Secretary

TOWNSHIP OF WILMINGTON
LAWRENCE COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF WILMINGTON TOWNSHIP TO PROVIDE FOR TELECOMMUNICATIONS TOWERS AND ANTENNA AS PERMITTED USES IN THE COMMERCIAL ZONING DISTRICTS.

Ordinance No. 6 of 1999

WHEREAS, the Telecommunications Act of 1996 requires that local governments allow for telecommunications tower uses within the municipality; and

WHEREAS, the zoning ordinance of Wilmington Township currently fails to specifically provide for a telecommunications tower use in any zoning district in Wilmington Township; and

WHEREAS, federal and state statutes and regulations impose certain limitations on Wilmington Township's ability to regulate the placement and construction of telecommunications towers and antenna; and

WHEREAS, it is necessary to amend the zoning ordinance of Wilmington Township to comply with the requirements of federal and state statutes and regulations.

NOW, THEREFORE, Wilmington Township ordains that the zoning ordinance, being Ordinance No. 105, 1987, shall be amended as follows:

Section 100. Add the following:

100.21-A COMMUNICATIONS ANTENNA: Any structure designed for transmitting or receiving wireless communications of video, voice, data or similar transmissions, including, but not limited to, omnidirectional or whip antennas, directional or panel antennas, and satellite or microwave dish antennas which may be mounted to an existing building, an existing public utility storage or transmission structure or an existing communications tower, but not including transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens or any satellite dish antenna for private use by citizens which is less than twenty-four (24) inches in diameter.

100.21-B COMMUNICATIONS EQUIPMENT BUILDING: A manned or unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground in excess of two hundred (200) square feet.

100.21-C COMMUNICATIONS EQUIPMENT CABINET: An unmanned structure which contains the equipment necessary to maintain and operate communications antennas and which covers an area on the ground of no more than two hundred (200)

square feet.

100.21-D COMMUNICATIONS TOWER: Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one (1) or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side arm mounts and pipe mounts for microwave dish antennas.

100.56-A RADIO, TV AND MICROWAVE TOWERS: Transmission towers and antennas, other than communications towers and antennas as defined herein, which are licensed by the Federal Communications Commission (FCC) to radio and television stations for the purpose of broadcasting programming.

100.71-A USE NOT SPECIFICALLY LISTED: A use which is not specifically listed in a particular zoning district, but which, is determined by the Zoning Hearing Board in accordance with express standards and criteria set forth in this Ordinance to be similar in characteristics and impacts to another use which is specifically listed in the same zoning district as a permitted use, conditional use or use by special exception.

Section 500.1. Add the following:

-Telecommunications towers and antennas (509)

Add Section 509. COMMUNICATIONS TOWERS

(a) Any applicant proposing that a telecommunications tower be constructed shall submit an application for building permit setting forth the location of the tower on the property.

(b) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower.

(c) The applicant shall demonstrate compliance with all applicable Federal Aviation Administration (FAA) regulations and any applicable Airport Zoning regulations.

(d) The applicant shall demonstrate that the proposed communications tower and the electromagnetic fields associated with the antennas proposed to be mounted thereon comply with the safety standards established by the Federal Communications Commission (FCC).

(e) The applicant shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna or antennas on an existing building, existing public utility storage or transmission structure or an existing communications tower.

A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower shall be

contacted and that one (1) or more of the following reasons for not selecting an alternative existing building, existing public utility storage or transmission structure or existing communications tower apply:

[1] The proposed equipment would exceed the structural capacity of the existing building, existing public utility storage or transmission structure or existing communications tower and reinforcement of the structure cannot be accomplished at a reasonable cost.

[2] The proposed equipment would cause RF (Radio Frequency) interference with other existing and proposed equipment for that existing building, existing public utility storage or transmission structure or existing communications tower and the interference cannot be prevented at a reasonable cost.

[3] Existing buildings, existing public utility storage or transmission structures or existing communications towers do not have adequate space, access or height to accommodate the proposed equipment.

[4] Addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emission standards.

[5] A commercially reasonable agreement could not be reached with the owners of such structures.

(f) The maximum height of a communications tower shall be two hundred (200) feet except as a special exception granted by the Zoning Hearing Board upon proof of absolute necessity for such additional height in order to function effectively.

(g) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to function effectively.

(h) All parts of a communications tower shall be set back from any adjoining property zoned Residential a minimum distance of at least one hundred (100) feet.

(i) All parts of a communications tower shall be set back from any adjoining property zoned Commercial a minimum distance of at least fifty (50) feet.

(j) The tower and all appurtenances, including guywires, if any, and the equipment cabinet or equipment building shall be enclosed by a minimum ten (10) foot high chain link security fence with locking gate.

(k) The tower may be located on a lot occupied by other principal structures. No subdivision or land development approval shall be required.

- (l) The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
- (m) The tower shall be equipped with anti-climbing devices as approved by the manufacturer for the type of installation proposed.
- (n) At least one (1) off-street parking space shall be provided on the site to facilitate periodic visits by maintenance workers. Manned equipment buildings shall provide one (1) parking space for each employee working on the site.
- (o) Equipment cabinets and equipment buildings shall comply with the height and yard requirements of the Zoning District for accessory structures.
- (p) Equipment cabinets or equipment buildings which adjoin residential property shall be screened by a six (6) foot high compact evergreen hedge along each side which faces a residential property.
- (q) Access shall be provided to the tower and equipment cabinet or equipment building by means of a public street or right of way to a public street. The right of way shall be a minimum of twenty (20) feet in width and shall be improved with a dust-free, all-weather surface for its entire length.
- (r) The tower, the equipment cabinet or equipment building and the immediate surroundings shall be properly maintained, including clearing and cutting of vegetation, snow removal, proper drainage and maintenance of the access driveway surface.
- (s) There shall be no lighting, signs or other advertising on the tower, other than that required by the FCC or FAA.
- (t) The owner of any communications tower which exceeds fifty (50) feet in height shall submit to the Township proof of an annual inspection conducted by a structural engineer at the owner's expense and an updated tower maintenance program based on the results of the inspection. Any structural faults shall be corrected immediately and re-inspected and certified to the Township by a structural engineer at the owner's expense.
- (u) In January of each year, the owner of the communications tower shall submit written verification to the Township Zoning Officer that there have been no changes in the operating characteristics of the tower, as approved by the Township, including, at a minimum:

[1] A copy of the current FCC license;

[2] Name, address and emergency telephone number for the operator of the communications tower;

[3] Copy of the Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000.00 per occurrence and property damage coverage in the minimum amount of \$1,000,000.00 per occurrence covering the communication tower and communications antennas.

[4] Copy of the annual inspection report and updated maintenance program.

(v) At any time during the calendar year, if an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Township Zoning Officer.

(w) The owner of the communications tower shall notify the Township immediately upon cessation or abandonment of the operation. The owner of the communications tower shall dismantle and remove the communications tower within six (6) months of the cessation of operations, if there is no intention to continue operations, evidenced by the lack of an application to the Township to install antennas on the existing tower. If the owner of the communications tower fails to remove the tower, the landowner shall be responsible for its immediate removal. Failure to remove an abandoned communications tower shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1201 of this Ordinance.

Applicant Sprint Spectrum L.P. t/d/b/a Sprint PCS is hereby granted a variance from the set back requirements of Section 509(h) and (i), since its plans were submitted prior to the enactment of the amendment. We further direct that a permit be issued to Sprint based upon the plans submitted at the October 14, 1999 hearing, concerning the David Miller property.

ORDAINED AND ENACTED INTO LAW THIS 4th day of NOVEMBER, 1999.

Wilmington Township

Mark S. Kudall
Supervisor

William S. Allen
Supervisor

Dale E. Ebel
Supervisor

ATTEST:

Susan Turner
SECRETARY

ORDINANCE No. 6 of 2006
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE No. 105, 1987 TO CLARIFY AND SET FORTH THE ALLOWABLE USE
OF ACCESSORY BUILDINGS AS DWELLINGS IN CERTAIN ZONING DISTRICTS,
SUBJECT TO CERTAIN RESTRICTIONS, AND PROVIDING A DEFINITION OF
ACCESSORY DWELLING UNIT

Whereas, the Wilmington Township Zoning Ordinance does make allowance for certain accessory uses in various zoning districts; and

Whereas, the Wilmington Township Supervisors find it in the public interest to amend the Ordinance to include, subject to the limitations herein, *Accessory Dwelling Units*, sometimes referred to as "in-law suites;" and

Whereas, the Wilmington Township Supervisors also find the need to clarify that Accessory Dwelling Units are permitted in the R-1 Residential Districts, the R-2 Residential Districts, the Agriculture Districts, and the Commercial Districts;

Now Therefore, the Wilmington Township Supervisors do ORDAIN as follows:

1. That Ordinance No. 105, 1987, be amended by adding to the list of "Definitions" (Article I, Section 100 the following new definition:

100.31a Dwelling Unit, Accessory: A suite, either detached from or attached to the primary dwelling unit on the lot, for occupation by the following members of the lot owner's family:

- a. a parent(s), child or children, or grandparent(s), or a spouse or sibling of one of those relatives; or
- b. a family relative by blood, marriage, or adoption who requires on-going care due to injury, illness, or a serious physical or mental disability that substantially impairs or restricts one or more of such activities as walking, seeing, hearing, speaking, working, or learning.

(See Article IX, Section 924 for conditions associated with this use.)

2. That sections 300.1, 400.1, and 700.1 be amended to add "Accessory Dwelling Units" to the list of permitted uses; and that section 500.1 be amended to add to the list of permitted uses "Accessory Dwelling Units when accessory to a prior non-conforming residential use"

3. That Article IX be amended by adding a new Section 924 to read as follows:

Section 924 Accessory Dwelling Units:

Accessory Dwelling Units shall be subject to the following conditions:

- a. Accessory Dwelling Units shall be permitted only in the R-1 Residential Districts, the R-2 Residential Districts, the Agriculture Districts, and the

- Commercial Districts (when accessory to a prior non-conforming residential use).
- b. A detached Accessory Dwelling Unit may take the form of a cottage or similar dwelling, or it may be constructed over a detached accessory building such as a garage. An attached Accessory Dwelling Unit is attached to the principal dwelling unit on the lot.
 - c. The Accessory Dwelling Unit must have its own, permanent provisions for living and sleeping, and a full bath, which are not shared with the residents of the principal dwelling on the lot. An Accessory Dwelling Unit may have permanent facilities for eating and cooking which are not shared with the residents of the principal dwelling on the lot.
 - d. No more than one (1) Accessory Dwelling Unit shall be permitted on any property.
 - e. Occupancy
 1. An Accessory Dwelling Unit may be occupied only when the lot owner's family is living in the principal dwelling on the lot.
 2. An Accessory Dwelling Unit may be occupied only by the following members of the lot owner's family:
 - a. a parent(s), child or children, or grandparent(s), or a spouse or sibling of one of those relatives; or
 - b. a family relative by blood, marriage, or adoption who requires on-going care due to injury, illness, or a serious physical or mental disability that substantially impairs or restricts one or more of such activities as walking, seeing, hearing, speaking, working, or learning.
 - f. An Accessory Dwelling Unit may not be a motor home.
 - g. One off-street parking space is required per Accessory Dwelling Unit in addition to parking required for the principal dwelling on the lot. The Zoning Officer may revise the requirement up or down based on the use of the Accessory Dwelling Unit (e.g., if two drivers will live in the Accessory Dwelling Unit with two vehicles, two off-street parking spaces may be required; if only one person lives in the Accessory Dwelling Unit and that person does not drive the Zoning Officer may determine that an additional parking space is not necessary). The applicant may request reduction in the number of off-street spaces required for the Accessory Dwelling Unit by demonstrating that adequate on-street parking exists. If changes in vehicle ownership or other changes occur that may increase the number of parking spaces required by the resident(s) of the Accessory Dwelling Unit, the Zoning Officer must be notified.
 - h. Physical/Dimension/Code Requirements:
 1. The habitable floor space in the Accessory Dwelling Unit must not be less than 250 square feet and may not exceed 900 square feet.
 2. The height of a newly constructed detached Accessory Dwelling Unit may not exceed one and a half times the height of the principal dwelling on the lot. The total height of a detached

- structure with a garage on the first story and an Accessory Dwelling Unit on the second story must not exceed the height of the principal dwelling on the lot.
3. For utilities such as water supply (public or private), public sewers, gas and electric, Accessory Dwelling Units shall be physically connected to those systems serving the principal dwelling unless otherwise mandated by the utility company. All connections must meet the applicable utility system standards. For lots not served by public sewers, appropriate DEP permits must be obtained for the on-lot sewage disposal from the Accessory Dwelling Unit.
 4. The Accessory Dwelling Unit must meet all applicable requirements of the Building Code that is in operation at the time of the application for the use of the Accessory Dwelling Unit.
 5. The Accessory Dwelling Unit must not have a separate address or mailbox from the principal dwelling unless a separate address is required for "911 service."
 6. Any connection between a detached Accessory Dwelling Unit and the principal dwelling may have an overhead shelter, but must not be fully enclosed.
- i. Permits (monitoring):
1. Permits for Accessory Dwelling Units shall be issued for a period not longer than one year and must be renewed at the end of the first term of issuance and every such period thereafter.
 2. All Accessory Dwelling Units must be inspected by the Zoning Officer before they are occupied.
 3. The Supervisors shall establish by Resolution the fee associated with the issuance and renewal of such permits.
 4. Renewal of permits may include inspection of the Accessory Dwelling Unit by the Zoning Officer.
 5. If a permit for an Accessory Dwelling Unit is not renewed, all rights granted to the landowner under such permit expire, and the landowner must apply for the issuance of a new permit under the then current standards for the issuance of such permit.
 6. The permit for use of an Accessory Dwelling Unit shall expire when a change of occupancy of the principal dwelling occurs.
 7. The issuance of the permit for an Accessory Dwelling Unit does not imply that the applicant has met the requirements of sections g and h of this ordinance. It is the responsibility of the applicant to make sure that all code requirements have been met and that all other permits have been obtained

ORDAINED AND ENACTED INTO LAW THIS 11 day of July, 2006.

Wilmington Township

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

ATTEST:

[Signature]
Secretary

AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 AND AMENDMENT
TO SECTION II OF ZONING ORDINANCE OF 1973

An Ordinance amending the Wilmington Township Zoning Ordinance, being Ordinance No. 105, 1987, and Section II of the Wilmington Township Zoning Board of 1973.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 105, and Section II of the Wilmington Township Zoning Ordinance of 1973, are hereby amended by adding to Section 500.2 as a conditional use in C-Commercial Districts the following:

Multi:-Family dwellings (800.4 et seq.).

ENACTED and ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania, this 30 th day of November, 1994.

WILMINGTON TOWNSHIP BOARD OF
SUPERVISORS

By Dale Elders
Chairman

Mal Z. Kendall
Supervisor

John R. Buckenish
Supervisor

ATTEST:

Susan Lukner
Township Secretary

AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 AND AMENDMENT
TO SECTION II OF ZONING ORDINANCE OF 1973

An Ordinance amending the Wilmington Township Zoning Ordinance, being Ordinance No. 105, 1987, and Section II of the Wilmington Township Zoning Board of 1973.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 105, and Section II of the Wilmington Township Zoning Ordinance of 1973, are hereby amended as follows:

1) By adding to Section 500.2 as a conditional use in C-Commercial Districts the following:

Veterinary hospitals and clinics (800.30).

2) By adding to Section 100, the following:

100.72A Veterinary Clinic: Any establishment where animal patients are examined and treated by veterinarians and their assistants, but not kept overnight.

100.72B Veterinary hospital: A place for the diagnosis, treatment or other cure of animals and having facilities for inpatient care.

3) By changing Section 800.30 to read as follows:

800.30 Clinics and Veterinary hospitals and Clinics.

4) By adding to Section 800.the following:

800.30.4: There must be sewage disposal and available water adequate for the nature of the use.

Amendment (con't)

Page 2

ENACTED and ORDAINED by the Board of Supervisors of
Wilmington Township, Lawrence County, Pennsylvania, this 11th
day of May, 1995.

WILMINGTON TOWNSHIP BOARD
OF SUPERVISORS

ATTEST:

[Signature]
Township Secretary

By [Signature]
Chairman

[Signature]
Supervisor

[Signature]
Supervisor

JONATHAN SOLOMON, ESQ. ATTORNEY AT LAW
421 EAST MOODY AVE. - NEW CASTLE, PENNSYLVANIA 16101 - (412) 854-8941

AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 of 1987, IN ORDER
TO CHANGE A DISTRICT BOUNDARY.

This Ordinance amends the Wilmington Township Zoning Ordinance, being Ordinance No. 105 of 1987 in order to change a district boundary.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 195 of 1987 is hereby amended so that the Zoning Map be amended as follows:

1. That the following described property be re-zoned from R-Residential to A-Agricultural:

ALL those certain pieces, parcels and lots of land situate, lying and being in the Township of Wilmington, County of Lawrence and Commonwealth of Pennsylvania, being more particularly bounded and described as follows:

Parcel No. One:

Being part of the property of Richard Contray, having Parcel Identification Number 37-073400, Tax Map 4701 parcel 155, consisting of 39 acres, being described as follows:

Bounded on the South by lands of Yost V. Byler and V. Byler;
Bounded on the East by land of C. Neilson Merrick and others;

Bounded on the North by lands of Edward J. Bucker, David L. Miller and Gary L. Moore; and

Bounded on the West by the East line of the commercial Zone that is located 500 feet East of, and runs parallel to, Pennsylvania Route 18.

AND BEING the easterly 39 acres of land conveyed to Richard Contray by deed of George Roman, dated January 17, 1991, on record at RBV 961, p. 315.

Parcel No. Two:

Being the property of Yost V. Byler and Lena D. Byler, having Parcel Identification Number 37-015500, Tax Map 4701, parcel 147, consisting of 48 acres, being described as follows:

Amendment (con't)

Page 2

Bounded on the South by Johnson Road;
Bounded on the East by lands of Michael F. Rzicznek and V. Byler;
Bounded on the North by land of Richard Contray and Daniel Hess; and
Bounded on the West by Pennsylvania Route 18.

AND BEING the land conveyed to Yost V. and Lena D. Byler by deed of
Valentine Y. Byler, dated September 13, 1996, on record at RBV 1304, p. 168.

Copies of the full text of the proposed ordinance may be examined at the
Township Building during regular office hours.

ENACTED AND ORDAINED by the Board of Supervisors of Wilmington Township,
Lawrence County, Pennsylvania, this 8th day of April, 1999.

WILMINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

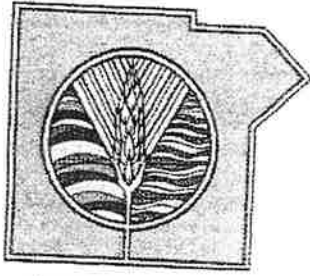
By [Signature]
Chairman

[Signature]
Township Secretary

[Signature]
Supervisor

[Signature]
Supervisor

WILMINGTON TOWNSHIP BOARD OF SUPERVISORS



STEPHEN J. CRAIG, AICP
DIRECTOR

- OFFICE OF -

LAWRENCE COUNTY PLANNING OFFICE

LAWRENCE COUNTY GOVERNMENT CENTER
430 COURT STREET
NEW CASTLE, PENNSYLVANIA 16101

(724) 656-2144

ZONAMD-109

COUNTY COMMISSIONERS
THOMAS J. FEE
CHAIRMAN
BRIAN D. BURICK
EDWARD FOSNAUGHT

February 26, 1999

Wilmington Township Supervisors
Wilmington Township Municipal Building
R. D. #5, Box 469
New Castle, Pennsylvania 16105

RE: ZONING MAP CHANGE REQUEST - PROPERTY OF RICHARD
CONTRAY

Gentlemen:

Please find below the Lawrence County Planning Office staff recommendation for the
above captioned zoning map change request:

ZONING MAP CHANGE REQUEST PROPERTY OF RICHARD CONTRAY

Current Zoning - R - 1 Residential

Requested Zoning - Agricultural

Current Land Use - Agricultural

Surrounding Land Use - To the west is farmland; to the north is farmland; to the east is
woods; to the south is farmland.

Staff recommendation: Approval

In the analysis of a zoning map change request several factors are considered:

1. Has there been a change in the character of the area and its surroundings since the property was first zoned?
2. Was there a mistake in the zoning of this property?

MISSION STATEMENT

The Lawrence County Planning Commission members and staff are committed to systematically organize, lead, direct and administer planning, so as to maximize the economic, environmental and social development of Lawrence County.

Zone Change for R. Conray
Page Two

3. Is there an overriding need for this rezoning?
4. Does the zone change request meet the test of law?

In answer to these questions:

1. No, the area remains predominantly agriculture.
2. The original zoning foresaw a greater need for residential zoning than currently exists.
3. Yes, to have this property continue as agricultural requires a zone change.
4. Yes, this zone change meets the test of law and does not constitute spot zoning.

If you have any questions, please do not hesitate to call.

Very truly yours,



Stephen J. Craig, AICP
Director

SJC/jd

AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 OF 1987, IN ORDER
TO CHANGE A DISTRICT BOUNDARY

This Ordinance amends the Wilmington Township Zoning Ordinance, being Ordinance No. 105 of 1987 in order to change a district boundary.

The Zoning Ordinance of the Township of Wilmington, ordinance No. 195 of 1987 is hereby amended so that the zoning Map be amended as follows:

1. That the following described property be re-zoned from A-Agricultural to C-Commercial:

ALL that certain piece, parcel and lot of land situate, lying and being in the Township of Wilmington, County of Lawrence and Commonwealth of Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at the southeast corner of the tract of land herein described at a point in the center line of the New Wilmington, New Castle Road, now State Route 18, at the intersection of lands now or formerly of Frank J. Barbarella et al;

THENCE North 53o 49' West along lands now or formerly of Barbarella et al, a distance of 300 feet to a point;

THENCE North 36o 11' East along lands now or formerly of Albert J. Leprich et ux, a distance of 127 feet to a point;

THENCE South 82o 39' East along lands now or formerly of Marjorie S. Rose, et al, a distance of 363.8 feet to a point in the center line of State Route 18;

THENCE South 36o 11' West along the center line of State Route 18 a distance of 293 feet to a point, being the place of beginning, and containing 1.446 acres, more or less.

Amendment (con't)

AND BEING the same land conveyed to Jay C. White by deed of John Thompson, et ux., and on record in the Office of Recorder of Deeds of Lawrence County, Pennsylvania, at Deed Book Volume 439, page 131; having Permanent Parcel I.D. #37-090800, and being lot 133B in Assessor's Map No. 4702; being conveyed to Zoltan Varga and ShirI Varga, his wife.

ENACTED and ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania, this 28th day of AUGUST, 2000.

WILMINGTON TOWNSHIP BOARD OF SUPERVISORS

Attest:

Susanne L. Winner
Township Secretary

By Mark S. Kendall
Chairman

William S. Allen
Supervisor

Supervisor

JONATHAN SOLO, ESQ. - ATTORNEY AT LAW
121 EAST MOODY AVENUE - NEW CASTLE, PENNSYLVANIA 16105 - (412) 854-9941

AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 OF 1987

An Ordinance amending the Wilmington Township Zoning Ordinance, being Ordinance No. 105 of 1987.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 105 of 1987 is hereby amended as follows:

- a. Amend Section 100 by adding the following definition as 100.7 and renumbering accordingly: "Bed and Breakfast: A single family detached dwelling the owner of which resides on the premises and accepts a limited number of overnight paying guests occupying existing bedrooms in the dwelling, and serves only breakfast to the guests."
- b. Amend Section 700.2 to include the list of Conditional Uses the following "-Bed and Breakfasts (800. .38)".
- c. Add a new section 800.38 (to follow the recent addition on "Produce Auctions") to read as follows:

800.38 Bed and Breakfasts:

- 800.38.1: Adequate off street parking comprising at least one space per guest room must be provided.
- 800.38.2: Adequate access shall be provided to such facilities in such a way so not to produce a hazardous situation when entering or leaving such facility.
- 800.38.3: Demonstration of adequate water and sewage systems for the maximum number of guests anticipated.
- 800.38.4: No more than Fifty percent (50%) of the gross floor area of the home may be devoted to rooms used for guests (i.e. bedrooms and bathrooms).
- 800.38.5: No more than Ten (10) guests may be accommodated at the same time.
- 800.38.6: There shall be no exterior display or sign other than that permitted by Article XI of this Ordinance.

800.38.7: The facility shall meet all standards established by the Commonwealth for this use.

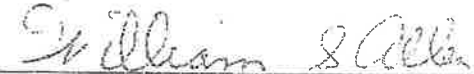
ENACTED AND ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania this 8th day of October, 2003.


ATTEST:


Township Secretary

WILMINGTON TOWNSHIP BOARD OF SUPERVISORS

By 
Chairman

By 
Supervisor

By 
Supervisor

**AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 OF 1987,
IN ORDER TO CHANGE A DISTRICT BOUNDARY**

This Ordinance amends the Wilmington Township Zoning Ordinance, being Ordinance No. 105 of 1987 in order to change a district boundary.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 105 of 1987 is hereby amended so that the Zoning Map be amended as follows:

1. That the following described property be re-zoned from I-Industrial to C-Commercial:

ALL that certain piece, parcel and lot of land situate, lying and being in Wilmington Township, Lawrence County, Pennsylvania, and being part of Lot No. 11 in the Rotgaber Plan of Lots, Section D, as recorded in Plot Book Volume 18, page 69, with Lawrence County Permanent Parcel Identification No. 37-000900, and being more particularly bounded and described as follows:

BEGINNING at a point in the center line of State Route No. 208, also known as the New Wilmington-Volant Road at its intersection with the dividing line between the Borough of New Wilmington and Wilmington Township; thence from said beginning point North 87 degrees 35 minutes East along the center line of State Route No. 208, a distance of 502 feet 11 inches to a point; thence South 02 degrees 25 minutes East along the West line of lands now or formerly of Gary L. Hughes, et ux., a distance of 500 feet to an iron pin; thence North 87 degrees 38 minutes 55 seconds West along the Southern portion of said Lot No. 11, a distance of 702 feet, more or less, to the dividing line between the Borough of New Wilmington and Wilmington Township; thence North 14 degrees 30 minutes 40 seconds East along said dividing line, a distance of 528 feet 4 inches, to a point in the center line of State Route No. 208, the place of beginning.

BEING the same premises which Agway Inc., by deed dated March 28, 2001 and recorded March 20, 2001, in the Lawrence County Recorder of Deed's Office, Record Book 1671, page 700, conveyed to HAMCO New Wilmington, Inc.

ENACTED AND ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania, this 5th day of May, 2003.

WILMINGTON TOWNSHIP BOARD
OF SUPERVISORS

ATTEST

[Signature]
Township Secretary

By [Signature]
Chairman

By [Signature]
Supervisor

By _____
Supervisor

AMENDMENT TO WILMINGTON TOWNSHIP ZONING ORDINANCE, BEING ORDINANCE NO. 105 OF 1987

An Ordinance amending the Wilmington Township Zoning Ordinance, being Ordinance No. 105 of 1987.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 105 of 1987 is hereby amended as follows:

1) By adding to Section 700.2 as a Conditional Use, the following:
- Produce Auctions (800.37)

2) By adding to Section 800, the following:

800.37 Produce Auctions:

800.37.1: Produce Auctions are conditional uses in Agricultural Districts

800.37.2: Produce Auctions shall meet the same requirements as for shopping centers (see 800.25).

ENACTED AND ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania, this 17 day of March 2003.

WILMINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

[Signature]
Township Secretary

By [Signature]
Chairman

By [Signature]
Supervisor

By [Signature]
Supervisor

JONATHAN SOLOMON, ESQ., ATTORNEY AT LAW
471 EAST MIDDY AVE., NEW CASTLE, PENNSYLVANIA 16105 (724) 854-9941

ZONAMD-151

**AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 OF 1987,
IN ORDER TO CHANGE A DISTRICT BOUNDARY**

This Ordinance amends the Wilmington Township Zoning Ordinance, being Ordinance No. 105 of 1987, in order to change a district boundary.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 105 of 1987 is hereby amended as follows:

That the following described property be rezoned from C-Commercial to I-Industrial:

Being the property of Donald W. Wilson and Wendell S. Wilson, having Parcel ID # 37-093500, consisting of approximately 1.26 acres being described as:

BOUNDED on the North for a distance of 240.73 feet by land now or formerly of John Whiting;

BOUNDED on the West by other land of said Wilsons, situated within the Borough of New Wilmington;

BOUNDED on the South by land of said Wilsons, situated within the Borough of New Wilmington;

BOUNDED on the East by land now or formerly of Robert Hogue.

The property being rezoned is shown on the attached map, which is incorporated herein.

ENACTED AND ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania this 17th day of June, 2008.

WILMINGTON TOWNSHIP BOARD
OF SUPERVISORS

By [Signature]
Chairman

By William S. Allen
Supervisor

By [Signature]
Supervisor

ATTEST:

[Signature]
Township Secretary

JONATHAN S. [Signature] (ON), ESQ. - ATTORNEY AT LAW
421 EAST MOODY AVE. - NEW CASTLE, PENNSYLVANIA 16105 - (724) 654-9541

ZONAMD-152

N/F JOHN WHITING

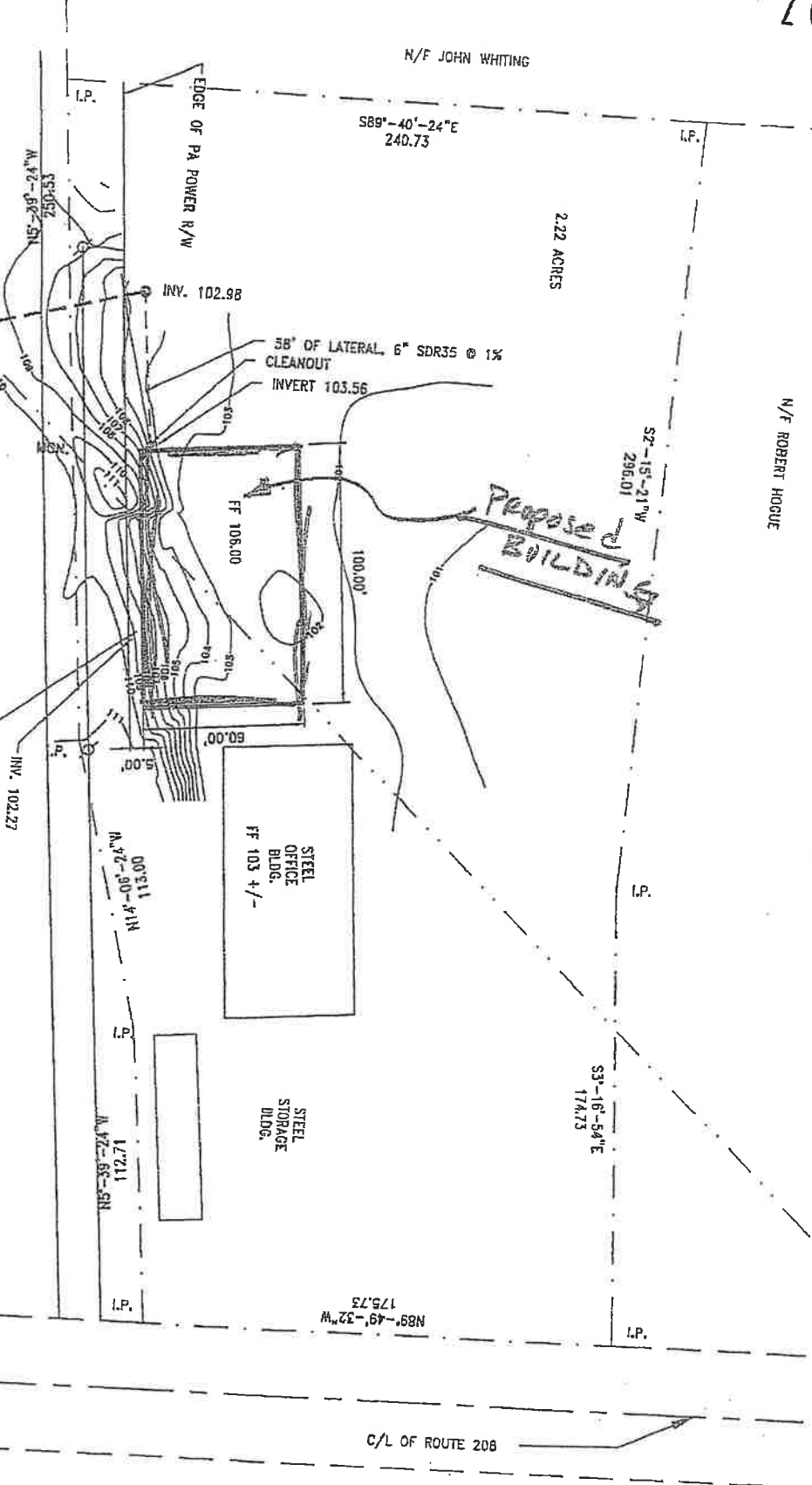
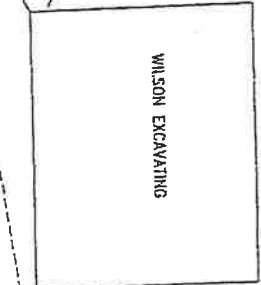
2.22 ACRES

N/F ROBERT HOGUE

WILMINGTON TWP.
NEW WILMINGTON BORO

58' OF 8" SDR35 @ 1%

EXISTING SANITARY SEWER @ 0.00305



Proposed BUILDING



C/L OF ROUTE 208



TOP 111.32
INV. 100.17

rough

→ Vocab of

ORDINANCE No. ____ of 2013
WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
ORDINANCE NO. 105, 1987 TO CHANGE THE BOUNDARIES OF THE
COMMERCIAL DISTRICT ON ROUTE 158

Whereas, the Supervisors of Wilmington Township have determined that there is a need for additional space for commercial and related uses within the Township; and

Whereas, the owner of two properties on Route 158 desires that they be rezoned from R-1 to Commercial; and

Whereas, the properties being proposed for rezoning abut property that is already zoned Commercial;

Now, Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 105, 1987, as amended by Ordinance No.4 of 2007, be amended as follows:

1. Amend the Wilmington Township Zoning Map to extend the boundaries of the current commercial district located on Route 158 by rezoning the following property from R-1 to Commercial:
Being the two parcels currently owned by the estate of James M. Steiner know as Parcel 37-032901 (approximately 2.04 acres) and Parcel 37-085200 (approximately 2.32 acres). The rezoned lands extend south along Route 158 for a distance of 299.12 feet (56.72 feet from the first named parcel and 242.40 feet from the second named parcel); west for a distance of 417.46 feet bounded by the lands now or formerly owned by Larry and Pattie Ann Twigg (zoned R-1); south for a distance of 157.64 feet bounded by the lands of said Twiggs; west for a distance of 221.74 feet bounded by the lands now or formerly owned by Scott and Linda McGrath (zoned R-1); north for a distance of 456.72 feet bounded by the lands now or formerly owned by Barry and Dorothy Gray (zoned R-1); and east for a distance of 639.20 feet bounded by the lands of said Grays (zoned R-1) and the lands now or formerly owned by Benjamin and Willma Hochstetler (zoned Commercial). (See attached maps.)

ORDAINED AND ENACTED INTO LAW THIS 3rd day of Sept., 2013.

Wilmington Township

William S Allen

Supervisor

David McConahy

Supervisor

Da Chen

Supervisor

ATTEST:

Sherry Deal
Secretary

AMENDMENT TO WILMINGTON TOWNSHIP ZONING
ORDINANCE, BEING ORDINANCE NO. 105 of 1987, IN ORDER
TO CHANGE A DISTRICT BOUNDARY.

This Ordinance amends the Wilmington Township Zoning Ordinance, being Ordinance No. 105 of 1987 in order to change a district boundary.

The Zoning Ordinance of the Township of Wilmington, Ordinance No. 195 of 1987 is hereby amended so that the Zoning Map be amended as follows:

I. That the following described property be re-zoned from R-Residential to A-Agricultural:

ALL that certain piece, parcel and lot of land situate, lying and being in the Township of Wilmington, County of Lawrence and Commonwealth of Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at the southwest corner of the tract of land herein conveyed at a point in the center line of the Volant and New Wilmington Public Road, now state Route 208, at the intersection of lands now or formerly of Robert A. Gerle, et ux.;

THENCE North $4^{\circ} 55.25'$ East along lands now or formerly of Robert A. Gerle a distance of 379.28 feet to a concrete monument;

THENCE due East along lands now or formerly of Chris R. Kurtz, et ux. and Urie M. Hochstetler, et ux. a distance of 602.30 feet to a concrete monument;

THENCE South $1^{\circ} 04.50'$ East along lands now or formerly of Urie M. Hochstetler, et ux., a distance of 621.61 feet to a point in the center line of State Route 208;

THENCE North $69^{\circ} 29'$ West along the center line of State Route 208 a distance of 690.87 feet to a point, being the place of beginning, and containing 7.19 acres, more or less.

Amendment (con't)

Page 2

AND BEING the same land conveyed to Jack H. Tunney, Jr., and Eleanor M. Tunney, his wife, by deed of Gary Johnson et ux., dated May 19, 1995, and on-record in the Office of Recorder of Deeds of Lawrence County, Pennsylvania, at Record Book Volume 1208, page 589; having Permanent Parcel I.D.#37-079200, and being lot 127 in Assessor's Map No. 4705.

ENACTED and ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania, this 4th day of May, 1998.

WILMINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

Susan A. White
Township Secretary

By Mark H. Russell
Chairman

William S. Allen
Supervisor

John R. Egan
Supervisor

JONES THART SOLUMBER, P.C., ATTORNEY AT LAW
421 EAST BROADWAY AVE., NEW CANAAN, PENNSYLVANIA 15075-6511

ORDINANCE No. 5 of 2014
 WILMINGTON TOWNSHIP, LAWRENCE COUNTY, PA

**AN ORDINANCE AMENDING THE WILMINGTON TOWNSHIP ZONING
 ORDINANCE NO. 105, 1987, ORDINANCE NO. 4, 2007, AND ORDINANCE
 NO. 4, 2014, TO AMEND THE PROVISIONS OF THE ZONING
 ORDINANCE THAT DEAL WITH OIL AND GAS WELLS AND TO
 INCLUDE PROVISIONS DEALING WITH COMPRESSORS AND
 COMPRESSOR STATIONS**

Whereas, the Constitution of the Commonwealth of Pennsylvania holds "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, and esthetic values of the environment;" and

Whereas, the Pennsylvania Supreme Court has struck down the limits set forth in "Act 13" with regard to the powers of municipalities to use municipal zoning to regulate oil and gas wells (see *Robinson Township v. Commonwealth of Pennsylvania*); and

Whereas, a reading of the plurality opinion in *Robinson Township v. Commonwealth of Pennsylvania* indicates the need for further rules to protect the environment and the rights of the people within the Township; and

Whereas, the plurality, concurring, and minority opinions in *Robinson Township v. Commonwealth of Pennsylvania* all recognize that environmental needs must be balanced against other interests such as economic development and the rights of land owners; and

Whereas, there continue to be significant changes in the technology of oil and gas drilling that allow those interests to be more reasonably balanced; and

Whereas, the current Ordinance does not contain explicit provisions regarding the transportation and processing of gas, oil, and products derived therefrom; and

Whereas, there is limited land in areas zoned "Industrial" in the Township, and many of those are densely used; and

Whereas, the Pennsylvania *Municipalities Planning Code* states that zoning ordinances shall encourage the continuity of development and viability of agriculture operations (see sections 105 and 603.h of the MPC), thus suggesting that the Township is on solid ground in not trying to convert land from "Agricultural Zones" to "Industrial Zones;" and

Whereas, the Township Zoning Ordinance allows the extraction of various minerals in Agricultural Districts (see 700.2 and 700.3);

Now Therefore, the Wilmington Township Supervisors do ORDAIN that Ordinance No. 4 of 2014 be repealed, and that Ordinance No. 105, of 1987 and Ordinance No.4 of 2007 be amended as follows:¹

¹ Note that most of the content of Ordinance No. 4 of 2014 is repeated in the following amendments. It seemed to the Planning Commission cleaner to recommend that Ordinance No. 4 be repealed and the content included here so that all the amendments dealing with oil and gas wells, are in one Ordinance.

1. Add the following new definitions

100.19a: Closed fluid containment system: A system for storing wastes from oil and gas drilling, such as produced water, fracking fluids, condensates, drill cuttings, etc., in closed tanks that are not open on top.

100.19b: Closed-loop fluid containment system: A system for storing and separating out wastes from oil and gas drilling, such as produced water, fracking fluids, condensates, drill cuttings, etc., through a series of storage tanks, equipment to separate out solids (screen shakers, hydrocyclones, centrifuges), with the intent that drilling and fracking fluids do not come into contact with the ground surface and drilling fluids may be recycled and reused in the drilling process.

100.21a: Compressor: A device that raises the pressure of oil, natural gas, and/or by-products thereof. Compressors are any devices that create a pressure differential to move or compress a liquid, vapor, or gas. Any such device, used alone or in series to move a liquid, vapor, or a gas is considered a compressor.

100.21b: Compressor Station: A facility designed and constructed to compress, and thereby raise the pressure of, oil, natural gas, and/or by-products thereof, operating either at the well site or as a midstream facility for the delivery of oil, gas, and/or by-products thereof to a transmission pipeline, distribution pipeline, processing plant, or storage facility, including one or more compressors, associated buildings, pipes, valves, tanks, and other equipment.

100.49.a: Oil and gas drill site: The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling or operation of an oil or gas well, excluding oil and gas processing plants and compressor stations.

100.49b: Oil and gas well, conventional: A well that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below the Elk Sandstone, and which do not require the volume of fluids typically required for unconventional wells.

100.49c: Oil and gas well, unconventional: A well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing.

2. Make the following changes to the uses defined as special exceptions in the zoning districts noted:

- a. Delete from section 500.3 "Oil & gas drilling (800.21)
- b. Add to section 600.3 "Compressor stations (800.21a)
- c. Add to section 700.3 "Compressor stations (800.21a)

3. Amend section 800.21.1 by deleting all of the wording after the word "Setbacks:" and replacing it with the following: "All setbacks for oil and gas drilling are to be measured from the outside edges of any facility or disturbance that is part of the oil or gas drilling site (100.49.a). The following table sets forth the required setbacks.

<u>Structures and Resources</u>	<u>Conventional Wells</u>	<u>Unconventional Wells</u>
Residential or Commercial District Boundary	300 feet	1000 feet
Property line	100 feet	300 feet
Public road	100 feet	300 feet
Building	200 feet	500 feet
Private Water Supply	200 feet	500 feet
Public Water Supply Intake	None	1000 feet
Intermittent stream	None	None
Perennial stream	100 feet	300 feet
Wetlands > 1 acre	None	300 feet
Floodplains	Covered by perennial stream.	

4. Add new sections to 800.21.1 to read as follows:

800.21.1a: For the purposes of section 800.21.1 "building" shall include only those structures in which people customarily live or work.

800.21.1b: The owner of a property may waive the setback requirements relative to a building on the owner's property so long as a) the setback is no less than 100 feet for a conventional well and 200 feet for an unconventional well and b) the waiver is set forth in writing and is recorded at the County Court House.

800.21.1c: The owner of an adjacent property may waive the setback requirements for the property line and buildings so long as a) the setback is no less than 100 feet from the property line for a conventional well and 200 feet for an unconventional well and b) the waiver is set forth in writing and is recorded at the County Court House.

800.21.1d: Access roads to drilling sites are exempt from the setback requirements from public roads to the extent that the Township Engineer determines is necessary to allow safe access and egress to public roads.

5. Delete 800.21.2; 800.21.3; and 800.21.4

6. Add a new 800.21.2 to read as follows:

800.21.2: Application Requirements: The applicant shall provide the Township with five (5) copies of all documents and drawings required for the application process. As part of the application for the special exception the operator shall provide a narrative describing the proposed use and including the following:

A. The approximate number of acres to be disturbed and the associated equipment to be used in developing the well site.

B. The proposed number of wells, including the PADEP permit number for all proposed wells if available at the time of the application or provided within seven (7) days when issued later.

C. A map showing the planned access route to the well site on public streets, and a plan indicating the type, number, and weight of vehicles used for transportation of materials and equipment.

D. A schedule of anticipated beginning and ending dates of well site preparation, drilling, perforating, hydraulic fracturing, and production measured in weeks from the date of approval of the special exception.

E. The well survey plat submitted to the PADEP showing the planned surface location of the well.

F. A site plan prepared by a licensed engineer showing compliance with the standards of this Ordinance, with requirements of the Township Subdivision and Land Use Ordinance, with the requirements of the Township Stormwater Ordinance, and with any special conditions established as part of the approval of the special exception.

G. The well site emergency address.

H. A copy of the Operator's Preparedness, Prevention, and Contingence ("PPC") Plan as required by the PADEP.

I. Copies of all required State and Federal permits, including copies of all permits issues by the PADEP for water withdrawal and disposal identifying the source of the water, proposed truck routes and/or temporary water lines, on-site storage, treatment, and disposal facilities.

J. A plan for the transmission of the oil or gas from the well site to an off-site pipeline, or a statement that there is no off-site pipeline and what alternative means of transmission will be used. The plan shall identify gathering lines and compressor stations that serve the well site and which are located with the Township or within one thousand (1,000) feet beyond the Township boundary. Township approval shall be required to utilize any public right-of-way. Contact information for the pipeline owner and compressor station owner shall also be included.

K. Plans for fencing, lighting, screening, and signing that are consistent with the relevant

provisions of the Township Zoning Ordinance and the Township Subdivision and Land Development Ordinance.

L. Plans for restoration of the site after drilling is completed (800.21.5(L)).

M. Evidence of the financial guarantees noted below (see 800.21.6).

N. Evidence that the proposed oil or gas well will comply with all terms of this Ordinance and any conditions established as part of the approval of the special exception.

6. Add a new section 800.21.3 to read as follows:

800.21.3: Required safety and emergency management information

A. The operator shall meet with representatives of the School District, the Township Engineer, the Township Supervisors (or their representatives), and public safety officials to develop a traffic management plan to ensure safety of pedestrians, students, and drivers on public streets, school crossings, pedestrian crossings, and school bus routes during times of anticipated heavy or frequent truck traffic associated with site development, drilling, or hydraulic fracturing.

B. The Township shall be provided with the name of the person supervising the drilling operation and a phone number where such person can be reached twenty-four (24) hours a day. The Township shall also be provided with the names and phone numbers of the rig manager on each shift.

C. Upon request of the Township, the operator will, prior to drilling its first oil or gas well in the Township, make available with at least thirty (30) days prior notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the operator is conducting any drilling activities in the Township. First responders shall have a minimum of five (5) hours of training per year to meet this standard.

6. Add a new section 800.21.4 to read as follows:

800.21.4: Notification of neighbors: The operator shall, in writing via a letter delivered to the addresses of the persons noted, invite residents and owners of properties within one thousand (1,000) feet of the property on which the drill site is located to a meeting, to be held at least thirty (30) days prior to the initiation of drilling. At this meeting the operator shall present their plans for the well and allow a time for questions and answers. The operator shall also provide during the meeting a copy of the well survey plat showing the location of the planned well; a general description of the planned operations at the well and associated equipment to be used in the development of the well; and the contact information for the operator and the well site supervisor.

7. Add a new section 800.21.5 to read as follows:

800.21.5: Performance standards for oil and gas drilling:

A. No construction activities involving excavation, alteration, or repair work on any access road or drilling site shall be performed between the hours of 7:00 p.m. and 7:00 a.m. These time restrictions shall not apply to drilling or hydraulic fracturing.

B. Methods of storing and treating drilling and hydraulic fracturing fluids

1. No open impoundment ponds shall be permitted in the Township.

2. Wherever possible closed-loop fluid handling systems shall be used.

3. If the operator demonstrates to the satisfaction of the Township Engineer and the Zoning Hearing Board that a closed-loop fluid handling system is not feasible then a closed fluid handling system may be used subject to the following requirements.

a. All above ground tanks that contain fluids other than fresh water must be contained in an impermeable bermed enclosure to contain a volume of one-third (1/3) more than the total volume of the largest tank or of all interconnected tanks.

b. All below grade tanks must have secondary containment and leak detection.

C. Noise Abatement

1. Oil and gas operations at any well site, production facility, or gas facility shall comply with the following maximum permissible noise levels, all of which shall be measured at the property line.

- From 7:00 a.m. to next 7:00 p.m. - 55 db(A)

- From 7:00 p.m. to next 7:00 a.m. - 50 db(A)

- In hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted above may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

2. All oil and gas wells and facilities with engines or motors that are not electrically operated and that are within four hundred (400) feet of a building shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly installed and maintained in proper working order.

3. The goal of these rules is to identify noise sources related to oil and gas operations that impact surrounding landowners while allowing operators to implement cost-effective and technically feasible mitigation measures to reduce noise from oil and gas operations to acceptable levels. Operators should be aware that noise control is most effectively addressed at the siting and design phase and should plan accordingly.

D. Lighting

1. No lights located on the drilling site, or under the control of the operator or their subcontractors, shall be directed in such a way that they shine on a public road, adjacent property, or property in the general vicinity of the drilling site.

2. Site lighting shall be directed downward and internally, except in cases where the Township Engineer certifies that safety requires deviation from this requirement.

3. Exterior lights shall be turned off except when personnel are working on the site or when motion sensors are activated.

E. Pre-Drilling, Post-Hydraulic Fracturing, and Baseline Water Survey Requirements

Prior to drilling and post-hydraulic fracturing, the operator shall be responsible for testing all existing watercourses and water supplies (surface and groundwater) within one thousand (1,000) feet of the well site and for paying half the cost of testing all groundwater water supplies within two thousand, five hundred (2,500) feet of the well site (with the landowner responsible for the other half of the cost). The purpose of the testing is to determine the baseline quality and quantity of surface water and ground water in the immediate vicinity of the proposed well site and to evaluate resultant changes that may occur or have an impact on the water supply of the site and the surrounding area. If a landowner refuses to allow the operator (or representative of the laboratory doing the testing) access to conduct a survey, the operator shall show evidence of such refusal in accordance with PA Code Title 25, Chapter 78, sec. 78.52(f). In addition, prior to drilling, the operator will be required to drill a test well outside the limits of the well pad but no more than seven hundred, fifty (750) feet from the well location to a depth that intersects all known or viable aquifers for the purposes of obtaining a baseline assessment of water quality in the vicinity of the site. The test well shall be located such that it is part of the hydrologic system of the drill site. All testing shall adhere to the following.

1. Pre-drilling testing results, both from existing watercourses and water supplies and from the operator-drilled test well, shall be submitted as part of the application for the special exception.

2. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.

3. The post-hydraulic fracturing test results, both from existing watercourses and water supplies and from the operator-drilled test well, shall be submitted to the Township, PADEP, all residents within one thousand (1,000) feet of the well site, and all residents within two thousand, five

hundred (2,500) feet of the well site who paid their half of the test costs. The results must be provided within ten (10) days of their receipt.

4. Except as noted above, the operator shall be responsible for all costs associated with drilling and testing, and testing shall be done by an independent, state-certified water testing laboratory agreed upon by the Township.

5. The water quality testing shall test for the following parameters for all watercourses, surface water and groundwater covered above. This list is not exhaustive and the Township reserves the right to add additional parameters as part of the special exception process.

Analyte				
Inorganic	Trace Metal	Organic	Microbiology	Other
Alkalinity	Barium	Ethane	Total Coliform/E Coli	Volatile Organic Compounds
Chloride	Calcium	Methane		Detergents (MBAS)
Conductivity	Iron			Total Organic Carbon
Hardness	Magnesium			Radionuclides gross alpha, radium
Oil and Grease	Manganese			Radon
Ph	Potassium			Lead
Sulfate	Sodium			
Total Dissolved Solids	Strontium			
Residue - Filterable	Arsenic			
Total Suspended Solids				
Residue - Non Filterable				

6. The operator shall hire a consultant (hydrologist) agreed upon by the Township to conduct water quantity testing. The consultant shall submit a pre-testing and a pre-drilling plan to be approved by the Township. The consultant shall test for gallons per minute (gpm) flow rates, yield, groundwater levels, and other pertinent information for all viable aquifer zones via draw down tests or other suitable means. The consultant shall measure and record flow rates in gallons per minute (gpm) for all water courses and surface water sources. Groundwater levels and other pertinent information via draw down tests or other suitable means shall be measured from all available wells. Also, GPS coordinate information shall be recorded for all watercourses, surface water, and groundwater sites. The results shall be certified by the hydrologist.

F. Pre-Drilling, Post-Hydraulic Fracturing Soil Survey Requirements

Prior to drilling and post-hydraulic fracturing, the operator shall be responsible for testing soil conditions within the area of the drill site, but no greater than five hundred (500) feet from the surface location of the well. The purpose of the testing is to determine the baseline soil conditions in the immediate vicinity of the proposed well site and to evaluate resultant changes that may occur or have an impact on the soils of the site and the surrounding area.

1. Pre-drilling testing results shall be submitted as part of the application for the special exception.
2. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.
3. The post-hydraulic fracturing test results shall be submitted to the Township and the PADEP within ten (10) days of their receipt.
4. The operator shall be responsible for all costs associated with sample collection, and testing shall be done by an independent, state-certified water testing laboratory agreed upon by the Township.
5. The soil quality testing shall test for the following parameters for soils. This list is not exhaustive and the Township reserves the right to add additional parameters as part of the special exception process.

Analyte			
Inorganic	Trace Metal	Microbiology	Other
Alkalinity	Barium	Total Coliform/E Coli	Volatile Organic Compounds
Chloride	Calcium		Nitrate
Hardness	Iron		Radionuclides gross alpha, radium
Oil and Grease	Magnesium		Lead
Ph	Manganese		
Sulfate	Potassium		
Residue - Filterable	Sodium		
Residue - Non Filterable	Strontium		
	Arsenic		

G. Truck routes

1. The operator shall submit a road use plan showing the proposed route of all trucks to be utilized for hauling equipment, supplies and the like, the estimated weights of those trucks, and the estimated number of trucks entering and exiting the facility on a daily basis at each point in the preparation, drilling, and post-drilling processes.
2. In conjunction with the Township, the operator shall design the hauling routes to and from the facility to minimize the impact on local roads and to minimize the chance of accidents, particularly given the number of slow moving vehicles that are often on Township roads.
3. The Township reserves the right to designate alternate routes in the event the applicant's proposed routes are deemed by the Township Engineer to be inadequate, unsafe, or overly disruptive to normal traffic in the Township.
4. The operator shall keep a log of actual use which may be requested from time to time by the Township.
5. At no time shall any overweight vehicle travel upon any of the Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.

H. Driveways and access roads

1. Access to State roads shall require a PennDOT highway occupancy permit

which must be presented to the Township prior to the initiation of any work on the well site.

2. An off-street area at the entrance to the drill site and outside the road right-of-way shall be provided for vehicles to stand while gaining access so that the normal flow of traffic on the public street is undisturbed.

3. Driveways accessing the drill site shall be paved with an impervious material from the public street cartway to a point at least fifty (50) feet into the drill site. In all other respects the driveway shall conform to section 2504 of the Township Subdivision and Land Development Ordinance.

4. The public street entrance to the property shall be kept free of mud, debris, trash, or other waste materials. The access drive off the public road shall be gated to prevent illegal access into the drill site.

5. The drill site assigned address shall be clearly visible on the access gate for emergency purposes. In addition, the sign shall include the well name and number, the name of the operator and the telephone number for the person responsible who may be contacted 24/7 in case of emergency. In lieu of a gate the operator may provide 24/7 security on-site during the drilling operation.

I. Fencing: The Township may require fencing and/or screening to protect the drill site and to buffer it from neighbors. The Township may also require fencing or screening to buffer the post-drilling facilities from adjacent properties.

1. Fencing around the drill site, if required by the Township, must be chain link with a minimum thickness of eleven (11) gauge, and must be at least six (6) feet high.

2. Security fencing shall not be required at the drilling site so long as the site is manned 24/7 by on-site supervisors and security personnel.

J. Leaks: After any spill, leak, or malfunction, the operator shall immediately inform the Township and first responders. The operator shall remove or cause to be removed to the satisfaction of local first responders and the PADEP inspectors all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak, or malfunction has occurred.

K. Temporary housing at the drilling site: Housing of workers on the drilling site or on the property that contains the drilling site, whether in trailers, bunk houses, or permanent dwellings, is not permitted. The Township recognizes, however, that certain supervisory personnel (generally not to exceed six (6) individuals at any one time) are required for reasons of safety to be present at drilling sites when drilling is occurring on a continuous basis. Resting accommodations for such supervisory personnel are not affected by the foregoing condition. Prior to utilizing any such accommodations the operator shall complete a registration form provided by the Township, which shall include, but not be limited to, a list of the job titles that constitute supervisory personnel, the names and contact information of each supervisor to be on site, and the dates supervisors are expected to be using the accommodations.

L. Restoration of the drilling site: Upon completion of the drilling, the operator is required to restore the site in a manner that is acceptable to the Township, compliant with the Oil and Gas Act, and compliant with other applicable laws. At a minimum, this shall include restoring the land to its original contours, restoring topsoil to its original depth, and providing appropriate ground cover.

1. The restoration plan, including the time allowed for restoration after drilling is completed, must be approved as part of the approval of the special exception.

2. The completed restoration is subject to approval by the Township through its Engineer.

3. The operator must post financial security for the restoration as outlined below to ensure that the restoration will be completed.

7. Add a new 800.21.6 to read as follows:

800.21.6: Required Financial Security Guarantees:

A. The applicant or owner of the oil and gas well shall execute a performance guarantee in a form acceptable to the Township. The performance guarantee shall include, at a minimum, but not

limited to, a provision for adequate protection from any adverse conditions which may result from the production of salt brine, produced water, fracking fluids, condensates, drill cuttings, etc. The purpose of the guarantee shall be to provide for property damage on the property housing the drilling site or on surrounding properties.

1. The amount of the guarantee shall be established by the Supervisors by resolution.

2. The amount of the guarantee may be reduced by the Board of Supervisors when the well has be drilled (and is in production) in accordance with the regulations of this and other Township ordinances, the regulations promulgated by the PADEP, and any conditions established by the Zoning Hearing Board at the time of the approval of the special exception.

3. The amount of the guarantee may be reduced by the Board of Supervisors when the well has been plugged in accordance with PADEP regulations.

B. The applicant or owner of the oil and gas well shall execute an excess maintenance agreement with the Township for a Type 2 permit as per the Pennsylvania Code Chapter 189.4(B) "Road Bonding." and post a bond at the paved highway rate in favor of the Township in a form acceptable to the Township prior to the beginning of any work on a drill site. The bond is to guarantee restoration of Township roads and bridges damaged as a result of hauling associated with the drilling operation.

C. The applicant or owner of the oil and gas well shall execute a second performance guarantee in a form acceptable to the Township. This performance guarantee shall be adequate to cover the expected cost (including a reasonable allowance for inflation) of the restoration of the well site as set forth above. The amount of this guarantee shall be determined as set forth in section 2704 of the Township Subdivision and Land Development Ordinance.

8. Add a new 800.21.7 to read as follows:

800.21.7: Miscellaneous provisions relating to oil and gas wells:

A. Right of access : During the active operation of the drill site the Township Supervisors, Township Engineer, and other professionals appointed by the Supervisors shall have access to the well site to determine compliance with the terms of applicable ordinances and any conditions established as part of the approval of the special exception.

B. Fee reimbursement: The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township relating to site inspections, including, but not limited to, the Township Engineer, the Township Solicitor, and any other reasonable and direct consultant fees incurred in the review and approval process, and for any specialized work called for in the special exception and its conditions. In the event there is a dispute over fees the dispute shall be handled in accordance with section 2301.4(b) of the Township Subdivision and Land Development Ordinance.

9. Add a new 800.21a to read as follows:

800.21a: Oil and gas compressor stations: Oil and gas compressor stations shall be permitted as special exceptions in certain zones within Wilmington Township. [Continue with same statement as in the current 800.21.]

800.21a.1: Setbacks: All setbacks for oil and gas compressor stations are to be measured from the outside edges of any facility that is part of the compressor station or associated outbuildings. The following table sets forth the required setbacks.

<u>Structures and Resources</u>	<u>Distance</u>
Residential or Commercial	1500 feet
District Boundary	
Property line	750 feet
Public road	750 feet

Public Water Supply Intake	1000 feet
Intermittent stream	None
Perennial stream	750 feet
Wetlands > 1 acre	500 feet
Floodplains	Covered by perennial stream.

800.21a.2: Application Requirements: The applicant shall provide the Township with five (5) copies of all documents and drawings required for the application process. As part of the application for the special exception the operator shall provide a narrative describing the proposed use and including the following:

- A. The approximate number of acres to be disturbed and the associated equipment to be used in developing the compressor station site.
- B. A map showing the planned access route to the compressor station site on public streets, and a plan indicating the type, number, and weight of vehicles used for transportation of materials and equipment.
- C. A schedule of anticipated beginning and ending dates of construction and the anticipated beginning date of operation of the compressor station.
- D. A site plan prepared by a licensed engineer showing compliance with the standards of this Ordinance, with requirements of the Township Subdivision and Land Use Ordinance, with the requirements of the Township Stormwater Ordinance, and with any special conditions established as part of the approval of the special exception.
- E. The emergency address for the compressor station.
- F. A copy of the Operator's Preparedness, Prevention, and Contingence ("PPC") Plan as required by the PADEP.
- G. Copies of all required State and Federal permits, including copies of all permits issues by the PADEP.
- H. A plan for the transmission of the oil or gas to and from the compressor station. The plan shall identify all pipelines and all other compressor stations that will interface with the compressor station being proposed, and which are located with the Township or within one thousand (1,000) feet beyond the Township boundary. Township approval shall be required to utilize any public right-of-way. Contact information for the pipeline owner(s) shall also be included.
- I. Plans for fencing, lighting, screening, and signing that are consistent with the relevant provisions of the Township Zoning Ordinance and the Township Subdivision and Land Development Ordinance.
- J. Evidence of the financial guarantees noted below (see 800.21.6).
- K. Evidence that the proposed compressor station will comply with all terms of this Ordinance and any conditions established as part of the approval of the special exception.

800.21a.3: Required safety and emergency management information

- A. The Township shall be provided with the name of the person supervising the compressor station and a phone number where such person can be reached twenty-four (24) hours a day.
- B. Upon request of the Township, the operator will, prior to the start of operation of the compressor station, make available with at least thirty (30) days prior notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the compressor station is in operation. First responders shall have a minimum of five (5) hours of training per year to meet this standard.

800.21a.4: Notification of neighbors: The operator shall, in writing via a letter delivered to the addresses of the persons noted, invite residents and owners of properties within two thousand, five hundred (2,500) feet of the property on which the compressor station is to be located to a meeting, to be held at least thirty (30) days prior to the meeting of the Zoning Hearing Board at which the special exception will be considered. At this meeting the operator shall present their plans for the compressor station and allow a time for questions and answers. The operator shall also provide during the meeting a

general description of the planned operations at the station and the contact information for the operator and the compressor station supervisor.

800.21a.5: Performance standards for compressor stations:

A. No construction activities involving excavation, alteration, or repair work on any access road or building shall be performed between the hours of 7:00 p.m. and 7:00 a.m.

B. Noise Abatement

1. Operations at any compressor station shall comply with the following maximum permissible noise levels, all of which shall be measured at the property line.

- From 7:00 a.m. to next 7:00 p.m. - 55 db(A)

- From 7:00 p.m. to next 7:00 a.m. - 50 db(A)

- In hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted above may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period.

2. All compressor stations with engines or motors that are not electrically operated shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly installed and maintained in proper working order.

3. The goal of these rules is to identify noise sources related to oil and gas operations that impact surrounding landowners while allowing operators to implement cost-effective and technically feasible mitigation measures to reduce noise from oil and gas operations to acceptable levels. Operators should be aware that noise control is most effectively addressed at the siting and design phase and should plan accordingly.

C. Lighting

1. No lights located on the compressor station, or under the control of the operator or their subcontractors, shall be directed in such a way that they shine on a public road, adjacent property, or property in the general vicinity of the compressor station site.

2. Site lighting shall be directed downward and internally, except in cases where the Township Engineer certifies that safety requires deviation from this requirement.

3. Exterior lights shall be turned off except when personnel are working on the site or when motion sensors are activated.

D. All compressors must be located within completely enclosed buildings.

E. Installation of buildings, condensate and salt water tanks, and any other structures shall not exceed the height (601.1 & 701.1) and lot coverage limitations (603.1 & 703.1) of the zoning district. Further, the total area of all buildings and accessory structures of compressor stations located in Agricultural Districts may not exceed one (1) acre.

1. All above ground tanks that contain fluids other than fresh water must be contained in an impermeable bermed enclosure to contain a volume of one-third (1/3) more than the total volume of the largest tank or of all interconnected tanks.

2. All below grade tanks must have secondary containment and leak detection.

F. Vapor recovery units, vapor destruction units, or the best technology available must be placed on all condensate tanks at the compressor station.

G. Drip pans must be placed in under any equipment that has the potential to leak.

H. Water Survey Requirements: Prior to construction, the operator shall be responsible for testing all existing watercourses and water supplies (surface and groundwater) within one thousand (1,000) feet of the compressor station and for paying half the cost of testing all groundwater water supplies within two thousand, five hundred (2,500) feet of the compressor station. The purpose of the testing is to determine the baseline quality and quantity of surface water and ground water in the immediate vicinity of the proposed station so as to be able to evaluate resultant changes that may occur or have an impact on the water supply of the site and the surrounding area. If a landowner refuses to allow the operator (or representative of the laboratory doing the testing) access to conduct a survey, the operator shall show evidence of such refusal in accordance with PA Code Title 25, Chapter 78, sec.

78.52(f). All testing shall adhere to the following.

1. Pre-construction testing results, both from existing watercourses and water supplies and from the operator-drilled test well, shall be submitted as part of the application for the special exception.

2. Except as noted above, the operator shall be responsible for all costs associated with testing, and testing shall be done by an independent, state-certified water testing laboratory agreed upon by the Township.

3. The water quality testing shall test for the following parameters for all watercourses, surface water and groundwater covered above. This list is not exhaustive and the Township reserves the right to add additional parameters as part of the special exception process.

Analyte				
Inorganic	Trace Metal	Organic	Microbiology	Other
Alkalinity	Barium	Ethane	Total Coliform/E Coli	Volatile Organic Compounds
Chloride	Calcium	Methane		Detergents (MBAS)
Conductivity	Iron			Total Organic Carbon
Hardness	Magnesium			Radionuclides gross alpha, radium
Oil and Grease	Manganese			Radon
Ph	Potassium			Lead
Sulfate	Sodium			
Total Dissolved Solids	Strontium			
Residue - Filterable	Arsenic			
Total Suspended Solids				
Residue - Non Filterable				

I. Soil Survey Requirements: Prior to construction, the operator shall be responsible for testing soil conditions to the north, south, east, and west of the proposed compressor station. The tests shall be conducted at a distance no greater than five hundred (500) feet proposed location of the compressor(s). The purpose of the testing is to determine the baseline soil conditions in the immediate vicinity of the proposed compressor station site so as to have a basis to evaluate resultant changes that may occur or have an impact on the soils of the site and the surrounding area.

1. Pre-drilling testing results shall be submitted as part of the application for the special exception.

2. The operator shall be responsible for all costs associated with sample collection, and testing shall be done by an independent, state-certified water testing laboratory agreed upon by the Township.

3. The soil quality testing shall test for the following parameters for soils. This list is not exhaustive and the Township reserves the right to add additional parameters as part of the

special exception process.

Analyte			
Inorganic	Trace Metal	Microbiology	Other
Alkalinity	Barium	Total Coliform/E Coli	Volatile Organic Compounds
Chloride	Calcium		Nitrate
Hardness	Iron		Radionuclides gross alpha, radium
Oil and Grease	Magnesium		Lead
Ph	Manganese		
Sulfate	Potassium		
Residue - Filterable	Sodium		
Residue - Non Filterable	Strontium		
	Arsenic		

J. Driveways and access roads

1. Access to State roads shall require a PennDOT highway occupancy permit which must be presented to the Township prior to the initiation of any work on the well site.

2. An off-street area at the entrance to the site and outside the road right-of-way shall be provided for vehicles to stand while gaining access so that the normal flow of traffic on the public street is undisturbed.

3. Driveways accessing the site shall be paved with an impervious material from the public street cartway to a point at least fifty (50) feet into the compressor station site. In all other respects the driveway shall conform to section 2504 of the Township Subdivision and Land Development Ordinance.

4. The public street entrance to the property shall be kept free of mud, debris, trash, or other waste materials. The access drive off the public road shall be gated to prevent illegal access into the compressor station site.

5. The site address shall be clearly visible on the access gate for emergency purposes. In addition, the sign shall include the name of the operator and the telephone number for the person responsible who may be contacted 24/7 in case of emergency. In lieu of a gate the operator may provide 24/7 security on-site.

~~K~~. Fencing: The Township may require fencing and/or screening to protect the compressor station and to buffer it from neighbors.

1. Fencing around the site, if required by the Township, must be chain link with a minimum thickness of eleven (11) gauge, and must be at least six (6) feet high.

2. Security fencing shall not be required at the compressor station site so long as the site is manned 24/7 by on-site supervisors and security personnel.

L. Leaks: After any spill, leak, or malfunction, the operator shall immediately inform the Township and first responders. The operator shall remove or cause to be removed to the satisfaction of local first responders and the PADEP inspectors all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak, or malfunction has occurred.

800.21a.6: Required Financial Security Guarantees:

A. The applicant or owner of the compressor station shall execute a performance guarantee in a form acceptable to the Township. The performance guarantee shall include, at a minimum, but not limited to, a provision for adequate protection from any adverse conditions which may result from the production of salt brine, condensates, petroleum products, etc. The purpose of the guarantee shall be to provide for property damage on the property housing the compressor station or on surrounding properties.

1. The amount of the guarantee shall be established by the Supervisors by resolution.

800.21a.7: Miscellaneous provisions relating to compressor stations:

A. Right of access : During the operation of the compressor station the Township Supervisors, Township Engineer, and other professionals appointed by the Supervisors shall have access to the site to determine compliance with the terms of applicable ordinances and any conditions established as part of the approval of the special exception.

B. Fee reimbursement: The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township relating to site inspections, including, but not limited to, the Township Engineer, the Township Solicitor, and any other reasonable and direct consultant fees incurred in the review and approval process, and for any specialized work call for in the special exception and its conditions. In the event there is a dispute over fees the dispute shall be handled in accordance with section 2301.4(b) of the Township Subdivision and Land Development Ordinance.

ORDAINED AND ENACTED INTO LAW THIS 19th day of NOV., 2014.

Wilmington Township

David M. Corbett
Supervisor

William S. Allen
Supervisor

Supervisor

ATTEST:

Tracy Deal
Secretary