

ORDINANCE NO. 401

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF SPRING, AS AMENDED, AND CHAPTER XXXII, ENTITLED "ZONING" OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF SPRING TO: (1) AMEND SECTION 202, ENTITLED "DEFINITIONS", OF PART 2 ENTITLED "DEFINITIONS", TO ADD DEFINITIONS FOR "AIR POLLUTION CONTROL ACT", "ALTERNATIVE ENERGY SYSTEM, PRINCIPAL", "ALTERNATIVE ENERGY SYSTEMS ACCESSORY", "CHIMNEY", "CLEAN WOOD", "EPA", "GEOTHERMAL ENERGY SYSTEM, ACCESSORY", "GEOTHERMAL ENERGY SYSTEM, CLOSED LOOP", "GEOTHERMAL ENERGY SYSTEM, OPEN LOOP", "OUTDOOR WOOD-FIRED BOILER", "PHASE 1 OUTDOOR WOOD-FIRED BOILER", "PHASE 2 OUTDOOR WOOD-FIRED BOILER", "SOLAR ENERGY SYSTEM", "SOLAR ARRAY", SOLAR CELL", "SOLAR MODULE", SOLAR PANEL", "SOLAR RELATED EQUIPMENT", "WIND ENERGY TOWER HEIGHT", "WIND ENERGY SYSTEM HEIGHT", "WIND ENERGY", AND "WIND TURBINE"; (2) AMEND AND RESTATE IN ITS ENTIRETY SECTION 317 ENTITLED "PLANNED BUSINESS AND RESIDENTIAL DISTRICT (PRB)", OF PART 3 ENTITLED "ZONING DISTRICTS AND USE REGULATIONS" TO CORRECT AN ERROR; AND (3) AMEND PART THREE ENTITLED "ZONING DISTRICTS AND USE REGULATIONS" TO: (A) PROVIDE FOR PRINCIPAL ALTERNATIVE ENERGY SYSTEMS AS A CONDITIONAL USE IN THE FOLLOWING DISTRICTS: RURAL HOLDING AREA DISTRICT (RHA), RURAL CONSERVATION DISTRICT (RC), PLANNED BUSINESS AND RESIDENTIAL DISTRICT (PBR), PLANNED INDUSTRY/BUSINESS DISTRICT (PIB), EXTRACTIVE INDUSTRY DISTRICT (EI), AND FUEL STORAGE DISTRICT (FS); (B) PROVIDE FOR ACCESSORY ALTERNATIVE ENERGY SYSTEMS AS AN ACCESSORY USE IN THE FOLLOWING DISTRICTS: RURAL HOLDING AREA DISTRICT (RHA),

RURAL CONSERVATION DISTRICT (RC), RURAL/SUBURBAN DISTRICT (RS), LOW DENSITY SUBURBAN DISTRICT (LDS), MODERATE DENSITY SUBURBAN DISTRICT (MDS), SUBURBAN/SEMIURBAN DISTRICT (SS), URBAN DISTRICT (U), NEIGHBORHOOD CONVENIENCE COMMERCIAL DISTRICT (NC), PLANNED HIGHWAY COMMERCE DISTRICT (PHC), PLANNED HIGHWAY INTERCHANGE DISTRICT (PHI), PLANNED HIGHWAY TRANSITIONAL DISTRICT (PHT), PLANNED OFFICE/BUSINESS DISTRICT (POB), PLANNED INDUSTRY/BUSINESS DISTRICT (PIB), EXTRACTIVE INDUSTRY DISTRICT (EI), FUEL STORAGE DISTRICT (FS); (C) PROVIDE FOR ACCESSORY GEOTHERMAL ENERGY SYSTEMS AS AN ACCESSORY USE IN THE FOLLOWING DISTRICTS: RURAL HOLDING AREA DISTRICT (RHA), RURAL CONSERVATION DISTRICT (RC), RURAL/SUBURBAN (RS), LOW DENSITY SUBURBAN DISTRICT (LDS), MODERATE DENSITY SUBURBAN DISTRICT (MDS), SUBURBAN/SEMIURBAN DISTRICT (SS), URBAN DISTRICT (U), NEIGHBORHOOD CONVENIENCE COMMERCIAL DISTRICT (NC), PLANNED HIGHWAY COMMERCE DISTRICT (PHC), PLANNED HIGHWAY INTERCHANGE DISTRICT (PHI), PLANNED HIGHWAY TRANSITIONAL DISTRICT (PHT), PLANNED OFFICE/BUSINESS DISTRICT (POB), PLANNED INDUSTRY/BUSINESS (PIB), EXTRACTIVE INDUSTRY DISTRICT (EI); AND FUEL STORAGE DISTRICT (FS); (D) PROVIDE FOR OUTDOOR WOOD-FIRED BOILERS AS AN ACCESSORY USE IN THE FOLLOWING DISTRICTS: RURAL HOLDING AREA DISTRICT (RHA), AND RURAL CONSERVATION DISTRICT (RC); (E) REMOVE SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE IN THE FOLLOWING DISTRICTS: RURAL HOLDING AREA DISTRICT (RHA), RURAL CONSERVATION DISTRICT (RC), RURAL/SUBURBAN DISTRICT (RS), LOW DENSITY SUBURBAN DISTRICT (LDS), MODERATE DENSITY SUBURBAN DISTRICT (MDS), SUBURBAN/SEMIURBAN DISTRICT (SS), URBAN DISTRICT (U), NEIGHBORHOOD CONVENIENCE COMMERCIAL DISTRICT (NC), PLANNED HIGHWAY COMMERCE DISTRICT (PHC), PLANNED HIGHWAY INTERCHANGE DISTRICT (PHI),

PLANNED HIGHWAY TRANSITIONAL DISTRICT (PHT), PLANNED OFFICE/BUSINESS DISTRICT (POB), PLANNED INDUSTRY/BUSINESS DISTRICT (PIB), EXTRACTIVE INDUSTRY DISTRICT (EI), AND FUEL STORAGE DISTRICT (FS); (F) REMOVE WIND GENERATED ENERGY SYSTEMS AS AN ACCESSORY USE IN THE FOLLOWING DISTRICTS: RURAL HOLDING AREA DISTRICT (RHA), RURAL CONSERVATION DISTRICT (RC), RURAL/SUBURBAN DISTRICT (RS), LOW DENSITY SUBURBAN DISTRICT (LDS), MODERATE DENSITY SUBURBAN DISTRICT (MDS), SUBURBAN/SEMIURBAN DISTRICT (SS), URBAN DISTRICT (U), NEIGHBORHOOD CONVENIENCE COMMERCIAL DISTRICT (NC), PLANNED HIGHWAY COMMERCE DISTRICT (PHC), PLANNED HIGHWAY INTERCHANGE DISTRICT (PHI), PLANNED HIGHWAY TRANSITIONAL DISTRICT (PHT), PLANNED OFFICE/BUSINESS DISTRICT (POB), PLANNED INDUSTRY/BUSINESS DISTRICT (PIB), EXTRACTIVE INDUSTRY DISTRICT (EI), AND FUEL STORAGE DISTRICT (FS); (G) PROVIDE COMPLIANCE REQUIREMENTS FOR PRINCIPAL AND ACCESSORY SOLAR AND WIND ALTERNATIVE ENERGY SYSTEMS, GEOTHERMAL ENERGY SYSTEMS AND OUTDOOR WOOD-FIRED BOILERS INCLUDING SETBACKS, NOISE CONTROL, UNIFORM CONSTRUCTION CODE COMPLIANCE, DESIGN SAFETY, SIGNAGE, WARNINGS, CLIMB PREVENTION/LOCKS, EASEMENTS, DRAINAGE, UTILITY COMPANY NOTIFICATION, MAINTENANCE, BUILDING PERMIT APPLICATIONS, INSTALLER CERTIFICATION, AND GLARE CONTROL; AND (H) REMOVE SPECIAL STANDARDS FOR SOLAR ENERGY SYSTEMS AND WIND GENERATED ENERGY SYSTEMS (INCLUDING WINDMILLS) ACCESSORY USE

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania (the "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

**SECTION 1.** Section 202 entitled "Definitions", of Part 2 entitled "Definitions", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is hereby supplemented by adding thereto in alphabetical order the following definitions:

AIR POLLUTION CONTROL ACT - 35 P.S. §4000, et seq., as amended.

ALTERNATIVE ENERGY SYSTEM, PRINCIPAL - an energy conversion system, either solar or wind generated, whose main purpose is to supply electrical or thermal power primarily for off-site use. Principal alternative energy systems could consist of one (1) or more free-standing ground, or roof mounted wind turbines, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

ALTERNATIVE ENERGY SYSTEMS ACCESSORY - an energy conversion system, either solar or wind generated, which is intended to primarily reduce on-site consumption of utility power. Accessory alternative energy systems could consist of one (1) or more free-standing ground, or roof mounted solar arrays or modules, a wind turbine, a tower, and associate control or conversion electronics.

CHIMNEY - Any vertical structure enclosing a flue or flues that convey smoke or exhaust from a furnace.

CLEAN WOOD - Natural wood that has no paint, stains or other types of coatings, and natural wood that has not been treated with copper chromium arsenate, creosote or pentachlorophenol, among other treatments.

EPA - Environmental Protection Agency or such successor agency.

GEOTHERMAL ENERGY SYSTEM, ACCESSORY - a sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate a liquid solution through a heat exchanger. This includes, but is not limited to: vertical closed loop, horizontal closed loop and body of water closed loop.

GEOTHERMAL ENERGY SYSTEM, CLOSED LOOP - a geothermal energy system designed and constructed so that the liquid does not come in contact with groundwater.

GEOTHERMAL ENERGY SYSTEM, OPEN LOOP - a geothermal energy system designed and constructed to pump groundwater to the heating and cooling equipment. The groundwater is then discharged into the ground, to the ground surface or to a body of water.

OUTDOOR WOOD-FIRED BOILER - A fuel-burning device, also known as an outdoor wood-fired furnace, outdoor wood-burning appliance or outdoor hydronic heater, designed:

- (1) to burn clean wood or other approved solid fuels;
- (2) by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and,
- (3) to heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

PHASE 1 OUTDOOR WOOD-FIRED BOILER - An outdoor wood-fired boiler that has been certified or qualified by the EPA's meeting a particulate matter emission limit of 0.60 pounds particulates per million British Thermal Unit output and is labeled accordingly. Phase 1 outdoor wood-fired boiler models will be identified with an orange hang tag.

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

SOLAR ENERGY SYSTEM - a solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR ARRAY - a grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR CELL - the smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE - a grouping of solar cells with the purpose of harvesting solar energy.

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

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

WIND ENERGY TOWER HEIGHT - the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

WIND ENERGY SYSTEM HEIGHT - the height above grade to a blade tip at its highest point of travel.

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

**SECTION 2.** Subsection (D) entitled "Conditional Uses", of Section 305 entitled "Rural Holding Area District (RHA)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Holding Area District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Alternative energy system, principal.
- (2) Heliport \*.
- (3) Single-family detached dwelling, in accordance with the provisions of §305(F), §305(G), and §321\*.
- (4) Accessory uses, structures or buildings not located on the same lot with the permitted principal use, in accordance with the applicable provisions of §324.

\*See §321 for additional requirements."

**SECTION 3.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses", of Section 305 entitled "Rural Holding Area District (RHA)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Rural Holding Area District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Farm pond.
- (d) Fence and wall.
- (e) Garage.
- (f) Geothermal energy system, accessory.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Keeping animals and fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.
- (o) Outdoor wood-fired boiler.
- (p) Private greenhouse.
- (q) Recreational vehicle.
- (r) Seasonal roadside produce market.
- (s) Signs, in accordance with Part 6.
- (t) Swimming pool (noncommercial).
- (u) Temporary retail sales.
- (v) Tennis court.
- (w) Storage in an accessory structure."

**SECTION 4.** Subsection (D) entitled "Conditional Uses", of Section 306 entitled "Rural Conservation District (RC)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning" of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Rural Conservation District when authorized by the Board of Supervisors in accordance with the standards of §323 of this Chapter:

- (1) Alternative energy system, principal.
- (2) Mobile home park\*.
- (3) Single-family detached dwelling, in accordance with the provisions of §306(F), §306(G), and §321 \*.
- (4) Accessory uses, structures or buildings not located on the same lot with the permitted principal use, in accordance with the applicable provisions of §324.

\*See §321 for additional requirements. “

**SECTION 5.** Subparagraph (2) of Subsection (E) entitled “Accessory Uses”, of Section 306 entitled “Rural Conservation District (RC)”, of Part 3 entitled “Zoning Districts and Use Regulations”, of Chapter XXXII entitled “Zoning”, of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(2) Each of the following accessory uses shall be permitted in the Rural Conservation District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Farm pond.
- (d) Fence and wall.
- (e) Garage.
- (f) Geothermal energy system, accessory.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Keeping animals and fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.
- (o) Outdoor wood-fired boiler.



- (p) Private greenhouse.
- (q) Recreational vehicle.
- (r) Seasonal roadside produce market.
- (s) Signs, in accordance with Part 6.
- (t) Swimming pools (noncommercial).
- (u) Temporary retail sales."

**SECTION 6.** Subparagraph (2) of Subsection (D) entitled "Conditional Uses", of Section 307 entitled "Rural/Suburban District (RS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"2. Accessory uses, structures or buildings not located on the same lot with the permitted principal use, in accordance with the applicable provisions of §324."

**SECTION 7.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses", of Section 307 entitled "Rural/Suburban District (RS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"2. Each of the following accessory uses shall be permitted in the Rural/Suburban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Farm pond.
- (d) Fence and wall.
- (e) Garage.
- (f) Holiday tree sales.
- (g) Geothermal energy system, accessory.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Keeping animals or fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(10).
- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.
- (o) Private greenhouse.
- (p) Recreational vehicle.
- (q) Seasonal roadside produce market.

- (r) Signs, in accordance with Part 6.
- (s) Swimming pool (noncommercial).
- (t) Temporary retail sales."

**SECTION 8.** Subsection (D) entitled "Conditional Uses", of Section 308 entitled "Low Density Suburban District (LDS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Low Density Suburban District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Accessory uses, structures or buildings not located on the same lot with the permitted principal use, in accordance with the applicable provisions of §324."

**SECTION 9.** . Subparagraph (2) of Subsection (E) entitled "Accessory Uses", of Section 308 entitled "Low Density Suburban District (LDS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Low Density Suburban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Farm pond.
- (d) Fence and wall.
- (e) Garage.
- (f) Geothermal energy system, accessory.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Keeping animals or fowl.
- (l) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (m) Off-street parking, in accordance with Part 7.
- (n) Outdoor storage shed.

- (o) Private greenhouse.
- (p) Recreational vehicle.
- (q) Signs, in accordance with Part 6.
- (r) Swimming pool (noncommercial).
- (s) Temporary retail sales."

**SECTION 10.** Subsection (D) entitled "Conditional Uses" of Section 309 entitled "Moderate Density Suburban District (MDS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Moderate Density Suburban District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Accessory uses, structures or buildings not located on the same lot with the permitted principal use, in accordance with the applicable provisions of §324. "

**SECTION 11.** Subparagraph (2) of Subsection E entitled "Accessory Uses" of Section 309 entitled "Moderate Density Suburban District (MDS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Moderate Density Suburban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Garage.
- (e) Geothermal energy system, accessory.
- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Keeping animals or fowl.
- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9)
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.

- (m) Private greenhouse.
- (n) Recreational vehicle.
- (o) Signs, in accordance with Part 6.
- (p) Swimming pools (noncommercial).
- (q) Temporary retail sales."

**SECTION 12.** Subsection (D) entitled "Conditional Uses" of Section 310 entitled "Suburban/Semiurban District (SS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Suburban/Semiurban District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Accessory uses, structures or buildings not located on the same lot with the permitted principal use, in accordance with the applicable provisions of §324."

**SECTION 13.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses" of Section 310 entitled "Suburban/Semiurban District (SS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(E) Accessory Uses.

- (1) Each accessory use in the Suburban/Semiurban District shall comply with the minimum yard requirements of §310(H), except as specifically provided for in this Chapter.

- (2) Each of the following accessory uses shall be permitted in the Suburban/Semiurban District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Garage.
- (e) Geothermal energy system, accessory.
- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.

- (h) Home occupation, including day care center.
- (i) Keeping animals or fowl.
- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9)
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.
- (m) Private greenhouse.
- (n) Recreational vehicle.
- (o) Signs, in accordance with Part 6.
- (p) Swimming pool (noncommercial).
- (q) Temporary retail sales. "

**SECTION 14.** Subparagraph (2) of Subsection (D) entitled "Accessory Uses" of Section 311 entitled "Urban District (U)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Urban District only if such use complies with the relevant standards contained in §324 of this Chapter.

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Garage.
- (e) Geothermal energy system, accessory.
- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Keeping of animals or fowl.
- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.
- (m) Private greenhouse.
- (n) Recreational vehicle.
- (o) Signs, in accordance with Part 6.
- (p) Swimming pool (noncommercial).
- (q) Temporary retail sales."

**SECTION 15.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses" of Section 312 entitled "Neighborhood Convenience Commercial District (NC)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the

Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(2) Each of the following accessory uses shall be permitted in the Neighborhood Convenience Commercial District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Garage.
- (e) Geothermal energy system, accessory.
- (f) Holiday tree sales.
- (g) Home occupation.
- (h) Interior service and convenience uses.
- (i) Keeping of animals or fowl.
- (j) No-Impact Home-Based Businesses, subject to the provisions of Section 324(C)(9).
- (k) Off-street parking, in accordance with Part 7.
- (l) Outdoor storage shed.
- (m) Private greenhouse.
- (n) Signs, in accordance with Part 6.
- (o) Swimming pool (non-commercial).
- (p) Temporary retail sales.
- (q) Warehousing and storage in an accessory structure.
- (r) Accessory uses and structures which are clearly customary and incidental to the principal use.”

**SECTION 16.** Subparagraph (2) of Subsection (E) entitled “Accessory Uses” of Section 313 entitled “Planned Highway Commerce District (PHC)”, of Part 3 entitled “Zoning Districts and Use Regulations”, of Chapter XXXII entitled “Zoning”, of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(2) Each of the following accessory uses shall be permitted in the Planned Highway Commerce District only if such use complies with the relevant standards contained in Section 324 of this Part.

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Garage.
- (e) Geothermal energy system, accessory.

- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Interior service and convenience uses.
- (j) Keeping animals or fowl.
- (k) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (l) Off-street parking, in accordance with Part 7.
- (m) Outdoor storage shed.
- (n) Private greenhouse.
- (o) Recreational vehicle.
- (p) Seasonal roadside produce market.
- (q) Signs, in accordance with Part 6.
- (r) Swimming pool (non commercial).
- (s) Temporary retail sales.
- (t) Tennis court.
- (u) Warehousing and storage in an accessory structure.
- (v) Accessory uses and structures which are clearly customary and incidental to the principal use."

**SECTION 17.** Subparagraph (2) of Subsection (F) entitled "Accessory Uses" of Section 314 entitled "Planned Highway Interchange District (PHI)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Planned Highway Interchange District only if such use complies with the relevant standards contained in Section 324 of this Chapter.

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Garage.
- (e) Geothermal energy system, accessory.
- (f) Holiday tree sales.
- (g) Home gardening, nursery or greenhouse.
- (h) Home occupation, including day care center.
- (i) Interior service and convenience uses.
- (j) Keeping animals or fowl.
- (k) Off-street parking, in accordance with Part 7.
- (l) No-impact home-based business, subject to the provisions of Section 324(C)(9).

- (m) Outdoor storage shed.
- (n) Private greenhouse.
- (o) Recreational vehicle.
- (p) Seasonal roadside produce market.
- (q) Signs, in accordance with Part 6.
- (r) Swimming pool (non-commercial).
- (s) Temporary retail sales.
- (t) Tennis court.
- (u) Warehousing and storage in an accessory structure.
- (v) Accessory uses and structures which are clearly customary and incidental to the principal use."

**SECTION 18.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses" of Section 315 entitled "Planned Highway Transitional District (PHT)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Planned Highway Transitional District only if such use complies with the relevant standards contained in Section 324 of this Chapter.

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Farm pond.
- (d) Fence and wall.
- (e) Garage.
- (f) Geothermal energy system, accessory.
- (g) Holiday tree sales.
- (h) Home gardening, nursery or greenhouse.
- (i) Home occupation, including day care center.
- (j) Horse barn.
- (k) Interior services and convenience uses.
- (l) Keeping animals or fowl.
- (m) Off-street parking, in accordance with Part 7.
- (n) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (o) Outdoor storage shed.
- (p) Private greenhouse
- (q) Recreational vehicle.
- (r) Seasonal roadside produce market.
- (s) Signs, in accordance with Part 6.
- (t) Storage in an accessory structure.



- (u) Swimming pool (non-commercial).
- (v) Temporary retail sales.
- (w) Tennis court.
- (x) Accessory uses and structures which are clearly customary and incidental to the principal use."

**SECTION 19.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses" of Section 316 entitled "Planned Office/Business District (POB)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Planned Office/Business District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Geothermal energy system, accessory.
- (e) Holiday tree sales.
- (f) Interior service and convenience uses.
- (g) No-Impact home-based businesses, subject to the provisions of Section 324(C)(9).
- (h) Off-street parking.
- (i) Outdoor storage shed.
- (j) Signs, in accordance with Part 6.
- (k) Temporary retail sales.
- (l) Accessory uses and structures which are clearly customary and incidental to the principal use "

**SECTION 20.** Section 317 entitled "Planned Business and Residential District (PBR)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"Section 317. Planned Business and Residential District (PBR).

(A) Purpose. The purpose of the Planned Business and Residential District is to provide opportunities for a compatible mixture of retail, personal service, other business and residential uses. Development controls will ensure sign control, attractive landscaping, desirable setbacks and compatibility between adjoining uses.

(B) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the Planned Business and Residential District by the Zoning Officer, provided that the use, type, dimensional and all other applicable requirements of this Chapter are satisfied. Permitted uses are subject to the performance standards contained in Part 5.

(1) Any use listed as permitted by right in the Rural Conservation, Rural/Suburban, Suburban/Semiurban Residence Districts, Neighborhood Convenience Commerce District, the Planned Industry/Business Industrial District and the Urban District.

- (2) Art, photography or dance studio\*.
- (3) Funeral home.
- (4) Holiday tree sales.
- (5) Multiple use building\*,\*\*.
- (6) Open air retail\*,\*\*.
- (7) Pet grooming establishment.
- (8) Temporary retail sales.

\* Site plan review required (see Section 409)

\*\* See §321 for additional requirements.

(C) Special Exception Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Business and Residential District by the Zoning Hearing Board in accordance with the standards contained in §322 of this Chapter:

- (1) Cemetery\*.
- (2) Fire station\*.
- (3) Open air retail sales of agricultural products\*.
- (4) Public utility facility\*.
- (5) Single family detached dwelling in combination with a commercial activity\*.

\* See §321 for additional requirements.

(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Business and Residential District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Alternative energy system, principal.
- (2) Shopping Center\*.

\* See §321 for additional requirements.

(E) Accessory Uses.

(1) Each accessory use in the Planned Business and Residential District shall comply with the minimum yard requirements of §317(G) except as specifically provided for in this Chapter.

(2) Each of the following accessory uses shall be permitted in the Planned Business and Residential District only if such use complies with the relevant standards contained in §324 of this Chapter.

(a) Any uses listed as accessory in the Rural Conservation, Rural/Suburban, Suburban, Suburban/Semiurban Residence Districts, Neighborhood Convenience Commerce District, the Planned Industry/Business Industrial District and the Urban Districts.

(F) Lot Area, Width, Building Coverage and Height Regulations. Each of the following dimensional requirements shall apply to each use in the Planned Business and Residential District, except as specifically provided for in this Chapter:

<u>Principal Use</u>	<u>Minimum Lot Area*</u> <u>(sq. ft.)</u>	<u>Minimum Lot Width**</u> <u>(feet)</u>	<u>Maximum Land Coverage (%)</u>		<u>Maximum Building Height</u>	
			<u>By Buildings</u>	<u>By Total Impervious Cover</u>	<u>(Stories)</u>	<u>(Feet)</u> <u>(Whichever is Less)</u>
Residential Uses With Both Centralized Sewer and Water	5,000	50	50	70	2-1/2	30
Commercial Uses With Both Centralized Sewer and Water	20,000	100	40	75	2-1/2	30
Industrial Use With Both Centralized Sewer and Water	20,000	150	60	75	2-1/2	30
Open Space Development	(In accordance with Section 901 (Appendix A))					
Any Permitted Use Without Both Centralized Sewer and Water	43,560	150	60	75	2-1/2	30

\*Per dwelling unit for residential uses.

\*\*Measured at the Minimum Front Yard listed in §317(G) for the particular use.

(G) Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Planned Business and Residential District, except as specifically provided for in this Chapter:

Principal Use	Front Yard* (feet)	Side Yard		Rear Yard (feet)
		One (feet)	Both (feet)	
Residential Use	30	5 10**	15 10**	25
Any Other Permitted Use	25	50	100	50
Industrial Use	50	25	50	25

\*The depth at which the minimum lot width shall be measured.

\*\*If only one side yard.

(H) Off-Street Parking Setback

(1) An off-street parking setback shall apply to all nonresidential uses and to garden apartments.

(2) No off-street parking shall be located within ten (10) feet of the existing right-of-way line of any public street.

(3) In addition, if a lot or a tract has an average width greater than two hundred and fifty (250) feet, a front yard improvement setback of twenty-five (25) feet shall be required from the existing right-of-way line of any arterial street.

(I) Setbacks of Industrial Uses From Residential Uses. No industrial structure or use, loading or unloading area, truck parking area nor outside storage area shall be located within one hundred and twenty (120) feet of the lot line of an existing principally residential use and the boundary of an RS, LDS, MDS, SS or U District, unless the property owner of that adjacent land specifically waives their right to the setback in writing.

(J) Setbacks of Non-Residential Buildings from Residential Uses. The same requirements as are listed in Section 316(J) shall apply."

**SECTION 21.** Subsection (D) entitled "Conditional Uses" of Section 318 entitled "Planned Industry/Business District (PIB)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Planned Industry/Business Industrial District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Alternative energy system, principal.
- (2) Heliport\*.

\*See §321 for additional requirements.”

**SECTION 22.** Subparagraph (2) of Subsection (E) entitled “Accessory Uses” of Section 318 entitled “Planned Industry/Business District (PIB)”, of Part 3 entitled “Zoning Districts and Use Regulations”, of Chapter XXXII entitled “Zoning”, of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

“(2) Each of the following accessory uses shall be permitted in the Planned Industry/Business Industrial District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Farm pond.
- (d) Fence and wall.
- (e) Garage.
- (f) Geothermal energy system, accessory.
- (g) Holiday tree sales.
- (h) Interior service and convenience uses.
- (i) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (j) Off-street parking, in accordance with Part 7.
- (k) Outdoor storage shed.
- (l) Private greenhouse.
- (m) Signs, in accordance with Part 6.
- (n) Temporary retail sales.
- (o) Tennis court.
- (p) Warehousing or storage in an accessory structure.
- (q) Retail use accompanying an industrial use for the sale of the product(s) manufactured, produced or stored in the same building.
- (r) Accessory uses and structures which are clearly customary and incidental to the principal use.”

**SECTION 23.** Subsection (D) entitled "Conditional Uses" of Section 319 entitled "Extractive Industry District (EI)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Extractive Industry District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Alternative energy system, principal.
- (2) Heliport\*.

See §321 for additional requirements."

**SECTION 24.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses" of Section 319 entitled "Extractive Industry District (EI)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(E) Each of the following accessory uses shall be permitted in the Extractive Industry District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Fence and wall.
- (d) Garage.
- (e) Geothermal energy system, accessory.
- (f) Holiday tree sales.
- (g) Interior service and convenience uses.
- (h) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (i) Off-street parking, in accordance with Part 7.
- (j) Outdoor storage shed.
- (k) Private greenhouse.
- (l) Signs, in accordance with Part 6.
- (m) Temporary retail sales.
- (n) Warehousing or storage in an accessory structure.
- (o) Accessory uses and structures which are clearly customary and incidental to the principal use."

**SECTION 25.** Subsection (D) entitled "Conditional Uses" of Section 320 entitled "Fuel Storage District (FS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(D) Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Fuel Storage Industrial District when authorized by the Board of Supervisors in accordance with the standards contained in §323 of this Chapter:

- (1) Alternative energy system, principal.
- (2) Heliport."

**SECTION 26.** Subparagraph (2) of Subsection (E) entitled "Accessory Uses" of Section 320 entitled "Fuel Storage District (FS)", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(2) Each of the following accessory uses shall be permitted in the Fuel Storage Industrial District only if such use complies with the relevant standards contained in §324 of this Chapter:

- (a) Alternative energy system, accessory.
- (b) Bus shelter.
- (c) Farm pond.
- (d) Fence and wall.
- (e) Garage.
- (f) Geothermal energy system, accessory.
- (g) Holiday tree sales.
- (h) Interior service and convenience uses.
- (i) No-impact home-based business, subject to the provisions of Section 324(C)(9).
- (j) Off-street parking, in accordance with Part 7.
- (k) Outdoor storage shed.
- (l) Private greenhouse.
- (m) Signs, in accordance with Part 6.
- (n) Temporary retail sales.
- (o) Warehousing or storage in an accessory structure.
- (p) Accessory uses and structures which are clearly customary and incidental to the principal use."

**SECTION 27.** Subsection B entitled "Additional Requirements", of Section 321 entitled "Compliance and Performance Standards for Certain Principal Uses", of Part 3



entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby supplemented by adding thereto the following as a new Paragraph 4 and renumbering the remaining Paragraphs 5 through 96 to become Paragraphs 6 through 97:

"(4) Alternative Energy System, Principal.

(a) General Requirements for all principal alternative energy systems (Solar and Wind)

1) Minimum Lot Area. Shall be located on a lot at least two (2) acres in area.

2) Setback. Any structure associated with a principal alternative energy system:

(a) shall comply with the setback and yard requirements for principal structures for the zoning district within which it is located, and

(b) shall be set back a minimum of one hundred and twenty (120) feet from the lot line of an existing principally residential use and the boundary of an RS, LDS, MDS, SS or U District.

3) Two Principal Uses. Within the Planned Industry/Business District (PIB), Extractive Industry District (E) and Fuel Storage District (FS) a principal alternative energy system shall be permitted on the same lot as a nonresidential use. Each use must comply with the specific provisions listed for that use in this Chapter.

4) Fence. The site of the principal alternative energy system shall be secured by a locked chain-link fence and gate with a minimum height of eight (8) feet to limit accessibility by the general public. The gate shall provide automatic access to emergency personnel.

5) Noise. Principal alternative energy systems shall comply with the noise control requirements of Section 511.

6) Uniform Construction Code. To the extent applicable, the principal alternative energy system shall

comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

7) Design Safety Certification. The design of the principal alternative energy system shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, or other similar certifying organization.

8) Electrical Components. All electrical components of the principal alternative energy system shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

9) Power Lines. On-site transmission and power lines for principal alternative energy systems shall, to the maximum extent practicable, be placed underground.

10) Signage. Signage on principal alternative energy systems (other than warning signs) shall be limited to a single sign located at the main entrance to the facility. Such sign shall have a total area of no greater than twelve (12) square feet and shall display only the name of the facility and the contact phone number. No advertising signs shall be permitted. All signage shall comply with the provisions of Part 6 of this Chapter.

11) Warnings. A clearly visible warning sign concerning voltage must be placed on the protective fence and/or at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires located outside of the fenced area and along the guy wires up to a height of ten feet from the ground.

12) Climb Prevention/Locks. Towers within a principal alternative energy system shall not be climbable up to fifteen (15) feet above ground surface. All access doors to buildings and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

13) Signal Interference. The principal alternative energy system shall not cause any disruption or loss of radio, telephone, television or similar signals.

14) Access. Access drives and driveways shall be designed in accordance with the requirements of §704.

15) Lighting. Light and glare which is perceptible beyond the property line shall be minimized in accordance with §513 of this Chapter.

16) Easements. No alternative energy system shall be constructed, erected, relocated to or placed within an existing easement or right-of-way without the written permission of the person, party or entity to which the easement or right-of-way benefits.

17) Drainage. No alternative energy system shall alter, divert or obstruct the flow of stormwater runoff without the applicant first obtaining the specific approval for such alterations from the Township.

18) Parking. A minimum of one (1) off-street parking space shall be provided within the fenced area.

19) Liability Insurance. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Township upon request.

20) Abandonment and Removal. If a principal alternative energy system remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the principal alternative energy system within six (6) months of the expiration of the twelve (12) month period. A notation describing this requirement shall appear on the land development plans for the facility.

21) Utility Company Notification. No principal solar energy system shall be installed until evidence has been given that the utility company has been informed of the

customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

22) Land Development Requirements. Recording of a land development plan shall be required for any principal alternative energy system. Such plans shall be in accordance with the provisions of the Township of Spring Subdivision and Land Development Ordinance and shall comply with the following additional provisions:

(a) A narrative describing the proposed principal alternative energy system, including an overview of the project; the project location; the approximate generating capacity of the alternative energy system; the approximate number, representative types and height or range of heights of facilities to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

(b) A site plan showing the planned location of each facility, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the principal alternative energy system to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(c) Documents related to abandonment and removal, including a schedule.

(d) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Chapter.

23) Building Permit Applications. Building permit applications for principal alternative energy systems shall be accompanied by line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a

determination that the manner of installation conforms to the National Electrical Code.

24) Maintenance. The principal alternative energy system must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

25) Contact Information. The owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

(b) Additional Requirements for principal solar energy systems

1) Glare. All principal solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures or roadways. The applicant has the burden of proving that any glare produced does not have adverse impact on neighboring or adjacent uses either through siting or mitigation.

2) Development on Adjoining Properties. The application for any permit for an principal solar energy system shall include an acknowledgement that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property. Such application shall be signed by the property owner.

3) Height - All principal solar energy systems shall comply with the building height restrictions for principal structures of the underlying zoning district.

4) Impervious Coverage. The surface area of the arrays of a ground mounted principal solar energy system, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

5) Screening. Any ground mounted principal solar energy system located on a property which directly abuts any existing residential use shall provide buffer yards and planting screens in accordance with the provisions of Section 405(I). Such planting screen shall comply with the requirements for a screen of high intensity.

6) Access Corridors. Access corridors between solar arrays shall be sufficiently wide and of adequate construction to allow access for emergency management vehicles.

7) Roof Mounted Systems. For roof mounted systems, the applicant shall provide evidence in the form of plans certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the roof is capable of holding the load imposed on the structure.

(c) Additional Requirements for Principal Wind Energy Systems

1) Setback. In addition to complying with the setback requirements under Section 321(B)(4)(a)(2), the foundation and base of any wind energy tower shall be set back from a property line or right-of-way line a distance equal to not less than 1.25 times the wind energy system height.

2) Visual Appearance. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray. Wind Turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

3) Shadow Flicker. The owner shall make reasonable efforts to minimize shadow flicker to any occupied building on an adjoining property.

4) Building Permit Applications. Building permit applications for principal wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings and/or foundation as provided by the manufacturer.

5) Height. Principal wind energy towers shall comply with all Federal Aviation Administration, Commonwealth of Pennsylvania Bureau of Aviation and applicable airport zoning regulations, including those pertaining to height."

**SECTION 28.** Subsection (C) entitled "Special Standards", of Section 324 entitled "Accessory Uses", of Part 3 entitled "Zoning Districts and Use Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"(C) Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

(1) Accessory Uses, Buildings or Structures.

(a) No detached accessory building or structure shall be erected in any required front, side or rear yard, except a five (5) foot setback shall be allowed within side or rear yards that do not directly abut a public street. No detached accessory building or structure shall be erected within five (5) feet of any other building or structure except as noted in subsection (d) below.

(b) No nonresidential activities shall be permitted in any residential district except those permitted by home occupation regulations or other provisions of this Chapter.

(c) No agricultural use or individual gardens used for home consumption shall occupy more than one-half (1/2) of the minimum side or rear yard required in the applicable zoning district.

(d) An accessory building used for storage of garden equipment, bicycles, sleds or other equipment used by the occupants of a dwelling shall be allowed to be constructed within two (2) feet of the side and rear property lines. However, it shall be located to the rear of the building used as a residence. Construction of such

accessory building will comply with the Uniform Construction Code, maximum height shall be ten (10) feet, and maximum size shall be one hundred fifty (150) square feet with the following exception: any accessory storage building as described in this subsection which is over one hundred fifty (150) square feet shall be located to the rear of the building used as a residence and shall be located no closer to a lot line than the minimum side yard requirement for one side yard for the zoning district in which the accessory building is located.

(e) Nothing in this Section shall be construed to limit other uses not mentioned so long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety and/or welfare of the community.

(f) Accessory buildings to residential uses (including private vehicle garage).

1) No such accessory building shall be located within a required front or side yard for an accessory use. However, such accessory building may be located within a required rear yard in which case the minimum side yard requirement for one side yard for the zoning district in which the accessory building is located shall determine the minimum building setback.

2) The cumulative floor area of accessory buildings shall not exceed fifty percent (50%) of the floor area of the principal building, except where such computation would result in a permitted floor area of less than six hundred (600) square feet. In such case, a cumulative floor area of accessory structures of six hundred (600) square feet shall be permitted.

3) Accessory structures may be located as follows, within the other requirements of this Chapter:

i) No accessory building to the principal residential use shall have a height greater than fifteen (15) feet.

ii) No accessory structure to a single-family dwelling unit shall have a total floor area greater than ten percent (10%) of the total land area of the lot.



(2) Alternative Energy System, Accessory (Solar and Wind).

(a) General Requirements for all accessory alternative energy systems

1) Power Generation. Accessory alternative energy systems shall be intended to primarily reduce on-site consumption of utility power. If the capacity of the system is so that the main purpose is to supply electrical or thermal power primarily for off-site use, it shall comply with all requirements for a principal alternative energy system.

2) Power Lines. All electrical wiring leading from an accessory alternative energy system shall be located underground.

3) Setbacks. No accessory alternative energy system shall be located within the required front yard.

4) Noise. Accessory alternative energy systems shall comply with the noise control requirements of Section 511.

5) Uniform Construction Code. To the extent applicable, the accessory alternative energy system shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

6) Design Safety Certification. The design of the accessory alternative energy system shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, or other similar certifying organization.

7) Electrical Components. All electrical components of the accessory alternative energy system shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

8) Signage. Accessory alternative energy systems shall contain no signage except for warning signs.

9) Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-

mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

10) Climb Prevention/Locks. Towers that are part of an accessory alternative energy system shall not be climbable up to fifteen (15) feet above ground surface. All access doors to buildings and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

11) Easements. No accessory alternative energy system shall be constructed, erected, relocated to or placed within an existing easement or right-of-way without the written permission of the person, party or entity to which the easement or right-of-way benefits.

12) Drainage. No accessory alternative energy system shall alter, divert or obstruct the flow of stormwater runoff without the applicant first obtaining the specific approval for such alterations from the Township.

13) Utility Company Notification. No accessory solar energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

14) Maintenance. The accessory alternative energy system must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

15) Building Permit Applications. Building permit applications for accessory alternative energy systems shall be accompanied by line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(b) Additional Requirements for Accessory Solar Energy Systems

1) Exemptions. Any accessory solar energy system with an aggregate collection and/or focusing area of ten (10) square feet or less is exempt from this section.

2) Installer Certification. Installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

i) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).

ii) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited Photovoltaic (PV) training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

3) Glare. All accessory solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures or roadways. The applicant has the burden of proving that any glare produced does not have adverse impact on neighboring or adjacent uses either through siting or mitigation.

4) Development on Adjoining Properties. The application for any permit for an accessory solar energy system shall include an acknowledgement that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property. Such application shall be signed by the property owner.

5) Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

i) A roof mounted or wall mounted accessory solar energy system may be located on a principal or accessory building.

ii) The total height of a building with an accessory solar energy system shall not exceed by more than two (2) foot the maximum building height specified for principal or accessory buildings within the applicable zoning district.

iii) Wall mounted accessory solar energy systems shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

iv) Solar panels shall not extend beyond any portion of the roof edge.

6) Ground Mounted Accessory Solar Energy Systems:

i) Setbacks from Residential Uses or Properties. Where a ground mounted accessory solar energy system is located adjacent to a principally residential use or an unimproved property located within the RHA, RC, RS, LDS, MDS, SS or U districts, the minimum yard setback(s) from the common property line(s) shall be equivalent to the principal structure setback in the zoning district within which the energy system is located. A ground mounted accessory solar energy system shall not be located in the required front yard.

ii) Setbacks from Non-Residential Uses or Properties. Where a ground mounted accessory solar energy system is located adjacent to a principally non-residential use or an unimproved property located within the NC, PHI, PHT, POB, PIB, EI or FS districts, the minimum yard setback(s) from the common property line(s) shall be ten (10) feet. A ground mounted accessory solar energy system shall not be located in the required front yard.

iii) Height. Freestanding ground mounted accessory solar energy systems shall not exceed the maximum accessory structure height in the underlying zoning district.

iv) Impervious Coverage. The surface area of the arrays of a ground mounted accessory solar energy

system, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.

v) Screening. Any ground mounted accessory solar energy system located on a property which directly abuts any existing residential use shall provide buffer yards and planting screens in accordance with the provisions of Section 405(I). Such planting screen shall comply with the requirements for a screen of high intensity.

vi) Drainage. No ground mounted accessory solar energy system shall alter, divert or obstruct the flow of stormwater runoff without the applicant first obtaining the specific approval for such alterations from the Township.

vii) Area Exemption. The surface area of a ground mounted accessory solar energy system shall be exempt from the provisions of Section 324(C)(1)(f)(2) of this Chapter, which requires that the cumulative area of accessory buildings not exceed fifty percent (50%) of the floor area of the principal building.

(c) Additional Requirements for Accessory Wind Energy Systems

1) An accessory wind energy system which permits any vane, sail or rotor blade to pass within twenty (20) feet of the ground shall be prohibited.

2) The foundation and base of any wind energy tower shall be set back from a property line or right-of-way line a distance equal to not less than 1.25 times the wind energy system height.

3) Wind turbines shall be a non-obtrusive color such as white, off-white or gray.

4) Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

5) The owner shall make reasonable efforts to minimize shadow flicker to any occupied building on an adjoining property.

6) Accessory wind energy towers shall comply with all Federal Aviation Administration, Commonwealth of Pennsylvania Bureau of Aviation and applicable airport zoning regulations, including those pertaining to height .

7) Building permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings and/or foundation as provided by the manufacturer.

8) No illumination of the turbine or tower shall be allowed unless required by the FAA.

(3) Farm Pond.

(a) The developer of any farm pond shall obtain all required State and Federal permits.

(b) No farm pond shall be of such a size or character as to create any dangerous, noxious or objectionable condition.

(4) Fences, Walls, Hedges and Gates.

(a) Unless otherwise stated, these uses shall be allowed in all districts.

(b) Setback from Roads. A fence, structure, wall or continuous hedge shall be located no closer than three (3) feet of the existing right-of-way of a public road and shall have a maximum height of four (4) feet along all public roads. In addition, the sight distance requirements of §405(H) shall be satisfied.

(c) Fences.

1) Any fence located in the front yard of a use in a residential district shall have a minimum of 50% of its surface area as transparent and shall not exceed three (3) feet in height; except that such a fence may be installed to a height of four (4) feet when 75% of its surface area is transparent.

2) Fences shall be located no closer than six (6) inches to any side or rear lot line, unless otherwise agreed upon in writing between two (2) adjoining property owners, in which case the fence may be located closer than six (6) inches including the location of the fence on the side or rear lot line.

3) In a residential district, a fence located anywhere except the front yard of a use may have a height of up to six (6) feet and may be opaque.

4) In all other districts, fences may have a maximum height of nine (9) feet.

5) A fence of up to ten (10) feet may be allowed in a rear yard in any district for the sole purpose of enclosing a court for tennis or similar sports. Such fence shall be located no closer than five (5) feet to any property line or street right-of-way.

(d) Walls.

1) Any walls should be architecturally compatible with the structure and the landscape.

2) Any wall in the front yard of a use in a district shall be a special exception, permitted only if compatible with the character of the area.

3) Walls may be one (1) foot in height for every two (2) feet they are set back from a property line, up to a maximum height of six (6) feet.

(e) Hedges. Continuous hedges may have a maximum height of three (3) feet in any front yard.

(f) Gates. All fences, walls or continuous hedges more than three (3) feet in height shall be equipped with gates or other suitable passageways at intervals of not more than two hundred fifty (250) feet.

(5) Geothermal Energy System, Accessory.

(a) Closed loop accessory geothermal energy systems shall be permitted in all zoning districts.

(b) No person shall install an open loop geothermal system. It shall be permissible to operate an open loop geothermal system provided that such unit was legally installed on the property prior to the enactment of this Ordinance

(c) Geothermal energy systems shall conform to the applicable industry standards including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

(d) Setbacks.

1) Above-ground equipment shall comply with the applicable setback requirements of the respective zoning district.

2) Equipment, piping and devices shall not be located within any easement or right-of-way.

(e) Casing. All wells serving geothermal heating and/or cooling systems shall be equipped with watertight and durable casing pipe. The casing shall be carried to a minimum depth of 20 feet and grouted in place. The sections of casing pipe shall be joined in accordance with applicable industry standards and the annular space between the well casing and earth formation shall be completely filled with approved grout materials.

(f) Heat pumps. Heat pump (geothermal) installations shall be designed and constructed to provide an effective watertight seal with the well casing or water storage reservoir and to prevent contamination from reaching the water chamber or interior pump surfaces. Boreholes must be grouted from a minimum depth of 20 feet below grade to the ground surface with an approved grout.

(6) Heliport.

(a) The Pennsylvania Bureau of Aviation within the Pennsylvania Department of Transportation shall find the landing area safe and acceptable for licensing a heliport.

(b) The Federal Aviation Administration shall have granted approval for the use of the air space.



(7) Holiday Tree Sales. When operated as an accessory use to a principal use on the same lot, holiday tree sales shall comply with all provisions listed for such use under §321.

(8) Home Occupation.

(a) In any residential district, all dwelling units with direct access to a public street, except apartment units, may be used for the practice of a home occupation, provided such occupation is clearly incidental or secondary to the use of the property as a residence, and further provided that such use of the dwelling does not change the character thereof or have any exterior evidence of such accessory use other than a small nameplate as provided in this Chapter.

(b) Standards:

1) Home occupation shall be limited to the involvement on the premises of not more than two (2) persons at any one (1) time.

2) The number of off-street parking spaces shall comply with the requirements for a home occupation listed in Table 7.1, in addition to those required for the residence units. All parking spaces shall be located outside of the street right-of-way.

3) Unless otherwise permitted in this Section, home occupations shall not occupy more than twenty-five percent (25%) of the total floor area of the dwelling unit.

4) Home occupations shall be subject to the following limitations:

i) No emission of unpleasant gases or other odorous matter shall be permitted.

ii) No emissions of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.

iii) No glare and heat from any home occupation shall be permitted.

iv) No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground, of any materials in such a way

or of such nature or temperature as could contaminate any water supply, or damage or be detrimental to any sewage system or any sewage treatment process or otherwise could cause the emission of dangerous objectionable elements.

v) No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.

vi) No noise shall be audible beyond the dwelling unit or building in which the home occupation is conducted whichever shall be the smaller, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.

vii) No emission of any smoke shall be permitted.

viii) Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.

ix) No storage of materials or products in open areas shall be permitted.

x) No retail sales shall be permitted except for home produced goods.

xi) No material designed for use as an explosive shall be reproduced or stored on the premises.

(c) Additional standards for a day care center as a home occupation. In addition to the general home occupation standards listed above, a day care center operating as a home occupation shall comply with the following specific standards.

1) The use shall comply with all local, State, Federal and County requirements.

2) The use may occupy more than twenty-five (25) percent of the total floor area of the dwelling unit.

3) The use shall serve no more than twelve (12) children, including members of the family residing in the dwelling.

4) With the exception of the outdoor activity area, the operation of the day care center shall take place within the dwelling and shall not be located within any accessory structure.

5) There shall be a minimum of sixty (60) square feet of space per child in the outdoor activity area, which area shall be free of hazards and properly fenced with a fence having a minimum height of four (4) feet. No outdoor activity area shall be closer than fifteen (15) feet to any lot line.

6) The day care center shall be located and operated in a manner that reduces or eliminates potential hazards to the children being cared for at the facility. It shall be the responsibility of the owner to demonstrate, to the satisfaction of the Building Code Official, full compliance with this provision.

7) With the exception of minimum lot size, a day care center operating as a home occupation that serves more than five (5) children that are not members of the family residing in the dwelling shall comply with all provisions listed under §321 for a day care center as a principal use. This shall include provisions relating to outdoor activity areas, indoor floor space and air space, off-street parking and any applicable County, State or Federal regulations.

(9) Interior Service and Convenience Uses.

(a) Interior Service and Convenience Uses shall be permitted as an accessory use, where specified, and only within a building housing one of the following principal uses: business office, government office, financial establishment, hospital/medical center, medical office/medical clinic, professional office, college or university, other similar commercial uses, and any industrial use.

(b) All interior service and convenience uses shall not occupy more than a total of ten percent (10%) of the total floor area of the building in which they are located.

(c) Public entrances to interior service and convenience uses shall be from the interior of the building.

(d) No public entrance to any interior service or convenience use shall be located less than thirty (30) feet from an exterior exit to the building that is used by the public for ingress and egress.

(e) Exterior signage shall not be permitted for any service and convenience use.

(f) An employee nursery/day care functioning as an interior service and convenience use shall comply with all provisions specified for a nursery/day care functioning as a principal use.

(10) Keeping Animals or Fowl.

(a) See regulations on the following uses that are not defined as "the Keeping of Animals or Fowl," "Kennels," "Agriculture, general," "Animal Husbandry" and "Stables" in §321 and the appropriate definitions in Part 2.

(b) The keeping of animals or fowl shall comply with the performance standards of Part 5 and shall not result in a threat to the public health or safety.

(c) A lot involving a single-family dwelling with a lot size of less than thirty thousand (30,000) square feet or any multifamily dwelling unit shall include the keeping of not more than five (5) cats or dogs of more than six (6) months of age.

(d) The keeping of animals or fowl within the LDS, MDS, SS, U, NC, and PHC Districts shall not include the keeping of farm animals.

(11) Noncommercial Swimming Pool. A noncommercial swimming pool designed to contain a water depth of twenty-four (24) inches or more shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements:

(a) Permit. A building permit shall be required to locate, construct or maintain a noncommercial swimming pool.

(b) Location. Such pool shall be located in a rear or side yard only. No above or inground pool shall be located within fifteen (15) feet of a side or rear lot line, within ten (10) feet of any overhead wires, over any onlot sewage disposal field or system or five (5) feet from any other structure.

(c) Fence. Every inground noncommercial swimming pool shall be entirely enclosed with a fence complying with all provisions of the applicable building code. Where required by the applicable building code, aboveground pools shall also be entirely enclosed with an appropriate fence. Aboveground pools not requiring a fence shall require a self-closing and self-latching gate to any pool access platform.

(d) Water. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system. If the water from such pool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool.

(e) Drainage. The draining of all pools shall comply with all applicable local and state regulations.

(12) No-Impact Home-Based Business. The business or commercial activity comprising the no-impact home-based business must satisfy the following requirements:

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

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

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

(i) Approval of such a use shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by-law or other document applicable to a common interest ownership community.

(13) Open Air Retail Sales of Agricultural Products, as an accessory use.

(a) Shall be permitted solely as an accessory use to a principal agricultural use.

(b) Any permanent structure shall be subject to all area, bulk, and setback requirements of the zoning district within which it is located.

(c) Temporary structures shall be dismantled at the end of the growing season. Any structure in place for more than six (6) months, whether consecutively or in aggregate, during any calendar year shall be deemed a permanent structure and shall be regulated as such.

(d) Temporary structures must be secure and structurally sound so as not to create a hazard either to customers or the general public.

(e) Temporary structures shall be set back at least twenty (20) feet from the road right-of-way.

(f) Signs for temporary structures shall be in conformance with the regulations Part 6 of this Chapter.

(g) Safe off-street parking shall be provided for customers at temporary structures.

(h) Parking shall be provided in compliance with the provisions of Part 7.

(14) Outdoor Wood-Fired Boilers

(a) No person shall install an outdoor wood-fired boiler that is not a Phase 2 outdoor wood-fired boiler, except for any cleaner burning outdoor wood-fired boiler that is recommended by either the EPA or DEP. It shall be permissible to operate a Phase 1 outdoor

wood-fired boiler provided that such unit was legally installed on the property prior to the enactment of this Ordinance.

(b) All outdoor wood-fired boilers must meet applicable regulations and recommendations of the EPA and DEP. All outdoor wood-fired boilers shall meet emission certification requirements unless expressly exempted otherwise. The Applicant shall have the burden of proving that the outdoor wood-fired boiler they desire to install, operate and maintain meets all existing laws, regulations and certifications.

(c) The outdoor wood-fired boiler shall be located at least one hundred fifty feet (150') from the nearest dwelling that is not on the same property as the outdoor wood-fired boiler, and the outdoor wood-fired boiler shall be located at least one hundred (100) feet from the property line or street right-of-way.

(d) All outdoor wood-fired boilers must be certified not to exceed EPA particulate matter emission standards. If the EPA or other agency should promulgate stricter standards, the stricter standards shall apply.

(e) To the extent applicable, the outdoor wood-fired boiler shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.

(f) The design of the outdoor wood-fired boiler shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, or other similar certifying organization.

(g) No outdoor wood-fired boiler shall be constructed, erected, relocated to or placed within an existing easement or right-of-way without the written permission of the person, party or entity to which the easement or right-of-way benefits.

(h) No outdoor wood-fired boiler shall alter, divert or obstruct the flow of stormwater runoff without the applicant first obtaining the specific approval for such alterations from the Township.

(i) The outdoor wood-fired boiler shall have a permanent chimney that extends at least fifteen (15) feet from roof ridge of the furnace .

(j) Outdoor wood-fired boilers may only burn fuels for which the same were designed to burn and which are approved by the manufacturer. None of the following fuels or materials may be burned in any outdoor wood-fired boilers under any circumstances:

- 1) Any material that does not meet the definition of clean wood.
- 2) Furniture.
- 3) Garbage.
- 4) Tires.
- 5) Lawn clippings or yard waste.
- 6) Material containing plastic.
- 7) Material containing rubber.
- 8) Waste petroleum products.
- 9) Paints and paint thinners.
- 10) Chemicals.
- 11) Any hazardous waste.
- 12) Coal.
- 13) Glossy colored paper.
- 14) Construction and demolition debris.
- 15) Plywood.
- 16) Particleboard.
- 17) Salt water driftwood.
- 18) Manure.
- 19) Animal carcasses.
- 20) Asphalt products.

(k) No outdoor wood-fired boiler shall be altered or modified such that the applicable certification emission tests would be invalidated. Any antipollution device installed by the manufacturer, or required by this Part or otherwise, shall not be disconnected or rendered inoperative. Operation of the outdoor wood-fired boiler shall be in accordance with the manufacturer's written instructions. This shall include, if applicable, periodic inspection and replacement of catalytic combustors.

(l) All outdoor wood-fired boilers shall be installed, operated and maintained in strict conformance with the manufacturer's instructions, the provisions of this Part, applicable building codes, and all applicable local, State and Federal laws and regulations. In the event of a conflict, this Part shall apply unless the manufacturer's instructions or regulations are more strict, in which



case the manufacturer's instructions or regulations shall apply. A copy of the manufacturer's installation and/or operating instructions shall be filed with the Township Office, by the Applicant, together with any subsequent amendments or modifications.

(m) For all outdoor wood-fired boilers, the chimney must be secured against high winds, and be constructed, installed and maintained in such a manner that it does not constitute a safety hazard. All chimneys shall be constructed in accordance with all rules and regulations of the Township and Commonwealth of Pennsylvania, and shall be constructed in accordance with the manufacturer's instructions.

(15) Recreational Vehicle Storage. See applicable provision of the Township of Spring Motor Vehicles and Traffic Chapter (Ord. 179, adopted December 10, 1984, as amended) (Part 3 of Chapter XIX of the Codification of Ordinances of the Township of Spring).

(16) Seasonal Roadside Produce Market. Roadside produce markets for the sale of dairy, farm, greenhouse or nursery products are permitted with the following restrictions:

(a) Size. The area where products are displayed or sold shall not exceed eight hundred (800) square feet.

(b) Location. The stand shall be at least fifty (50) feet from an intersection and shall be at least thirty (30) feet from the existing right-of-way line.

(c) Removal in Off-Season. The stand shall be portable, shall be maintained in good condition and shall be removed during seasons when products are not being offered for sale, except as is allowed below.

(d) A stand may remain in place through the year without being removed if it would be located a minimum of one hundred (100) feet from the existing right-of-way line.

(e) Parking. Parking for vehicles shall be provided outside of the existing street right-of-way and in compliance with the provisions of Part 7. Parking shall be provided for a minimum of four (4) vehicles.

(f) A minimum of fifty percent (50%) of all items offered for sale shall have been produced on the property on which they are offered for sale.

(17) Temporary Retail Sales. When operated as an accessory use to a principal use on the same lot, temporary retail sales shall comply with all provisions listed for such use under §321.

(18) Tennis Court.

(a) A tennis court shall not be located in front of the principal building.

(b) A tennis court shall not be located over a drainage field of a sewage disposal system.

(c) No tennis court shall be located within fifteen (15) feet of the lot line of an abutting single-family detached dwelling."

**SECTION 29.** Section 403 entitled "Maximum Height of Buildings", of Part 4 entitled "General Regulations", of Chapter XXXII entitled "Zoning", of the Code of Ordinances of the Township of Spring is hereby amended in its entirety so as to read as follows:

"Section 403. Maximum Height of Buildings. No building shall exceed the maximum building height standard specified in the relevant district regulations of this Chapter, except that such standard shall not apply to farm structures, silos, water towers, communication towers, church spires, belfries, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Specific height regulations for principal alternative energy systems are listed under Section 321(B)(4) and for accessory alternative energy systems are listed under Section 324(C)(2)."

**SECTION 30.** If any sentence, clause, section, article 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, causes, sections articles or parts of this Ordinance. It is hereby declared as the intent of the Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, article or part thereof not been included herein.

**SECTION 31.** All ordinances or parts of ordinances of this Township which are inconsistent herewith are hereby repealed.

**SECTION 32.** The Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Spring, Berks County, Pennsylvania, upon adoption.


SECTION 33. This Ordinance shall become effective in accordance with the law.

ENACTED AND ORDAINED this 11<sup>th</sup> of February, 2013.

BOARD OF SUPERVISORS  
TOWNSHIP OF SPRING

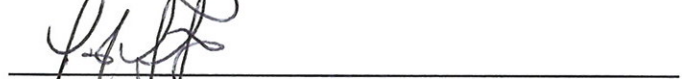


Kyle M. Hummel

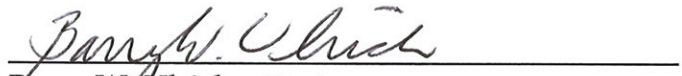


James Oswald

Alan S. Kreider



Patti J. Smith, Vice Chairman



Barry W. Ulrich, Chairman

ATTEST:



(Assistant) Secretary

## MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (~~Assistant~~) Secretary of the TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance #401 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on Tuesday, January 29, 2013 and Sunday, February 3, 2013 and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on February 11, 2013.

(SEAL)

Sheryl Rowan  
(~~Assistant~~) Secretary