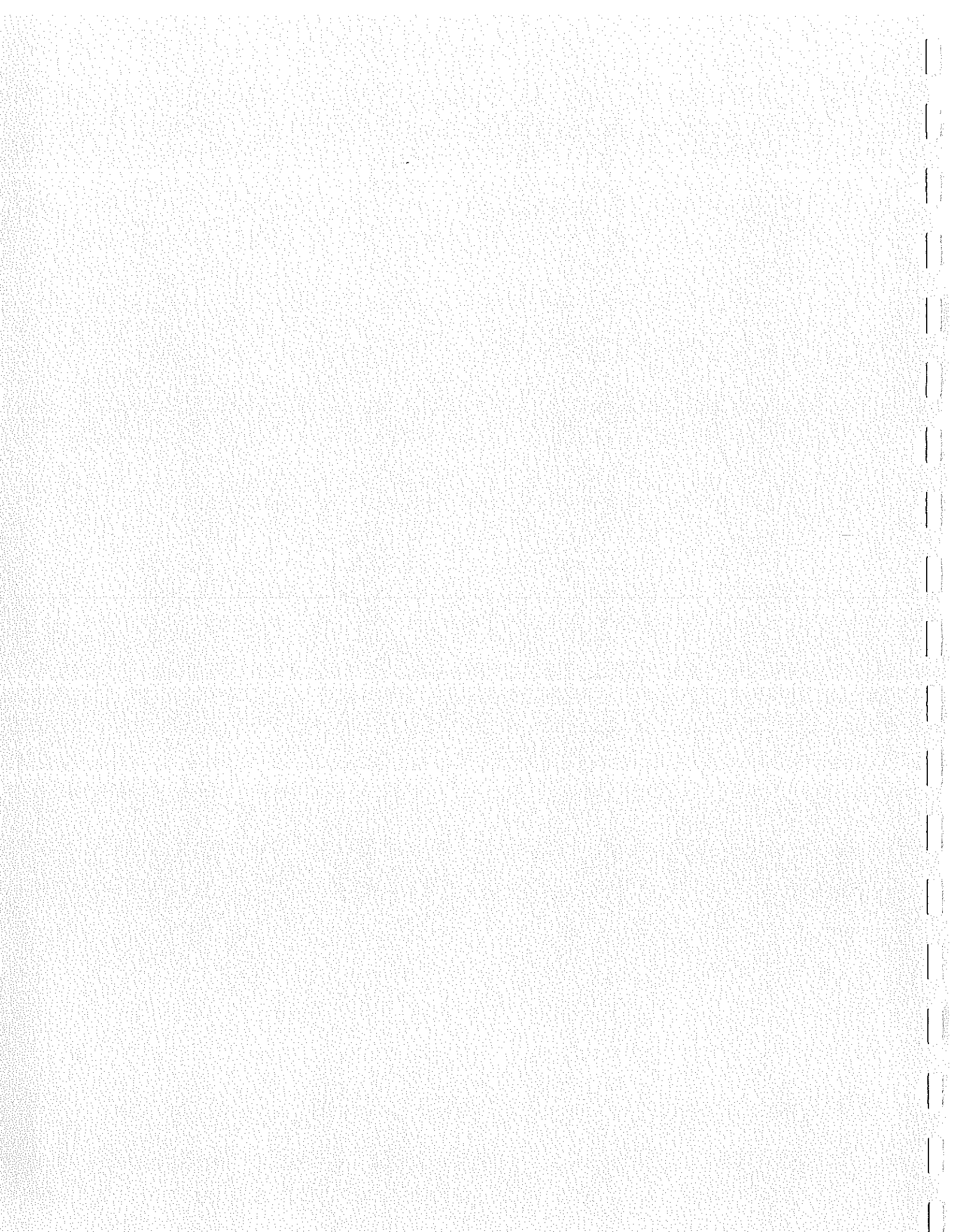


**WHEATFIELD TOWNSHIP
ORDINANCE NO 36-1-03**

**AMENDMENTS TO
ZONING ORDINANCE AND
SUBDIVISION & LAND
DEVELOPMENT
ORDINANCE**



ORDINANCE NO. 36-01-03

AN ORDINANCE AMENDING THE WHEATFIELD TOWNSHIP ZONING ORDINANCE ADOPTED APRIL 21, 1975, PROVIDING FOR CERTAIN CHANGES IN THE REQUIREMENTS TO ARTICLE II – DEFINITIONS, ARTICLE IV – CF-CONSERVATION/FOREST DISTRICT, ARTICLE V – OS-OPEN SPACE DISTRICT, ARTICLE VI – AR-AGRICULTURAL/RESIDENTIAL DISTRICT, ARTICLE VII – R-1-RESIDENTIAL DISTRICT, ARTICLE VIII – R-2-RESIDENTIAL DISTRICT, ARTICLE IX – C-COMMERCIAL DISTRICT, ARTICLE X – CI-NEIGHBORHOOD COMMERCIAL DISTRICT, ARTICLE XIII – SIGNS AND ARTICLE XIV – GENERAL REGULATIONS, ARTICLE XVII-MOTOR VEHICLE ACCESS, AND AMENDMENTS TO THE WHEATFIELD TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE RELEVANT TO SIGHT DISTANCE.

IT IS HEREBY ENACTED AND ORDAINED BY THE Wheatfield Township Board of Supervisors that the Zoning Ordinance of Wheatfield Township is hereby amended as follows:

SECTION: 1. Article II DEFINITIONS – shall be amended by adding or modifying the following:

Section 204 – List of Definitions

ACCESSORY BUILDING OR STRUCTURE: A building or structure subordinate to and detached from the main building on the same lot and used for purpose customarily incidental to the main building. The distance from the property line will be defined in each Zoning District.

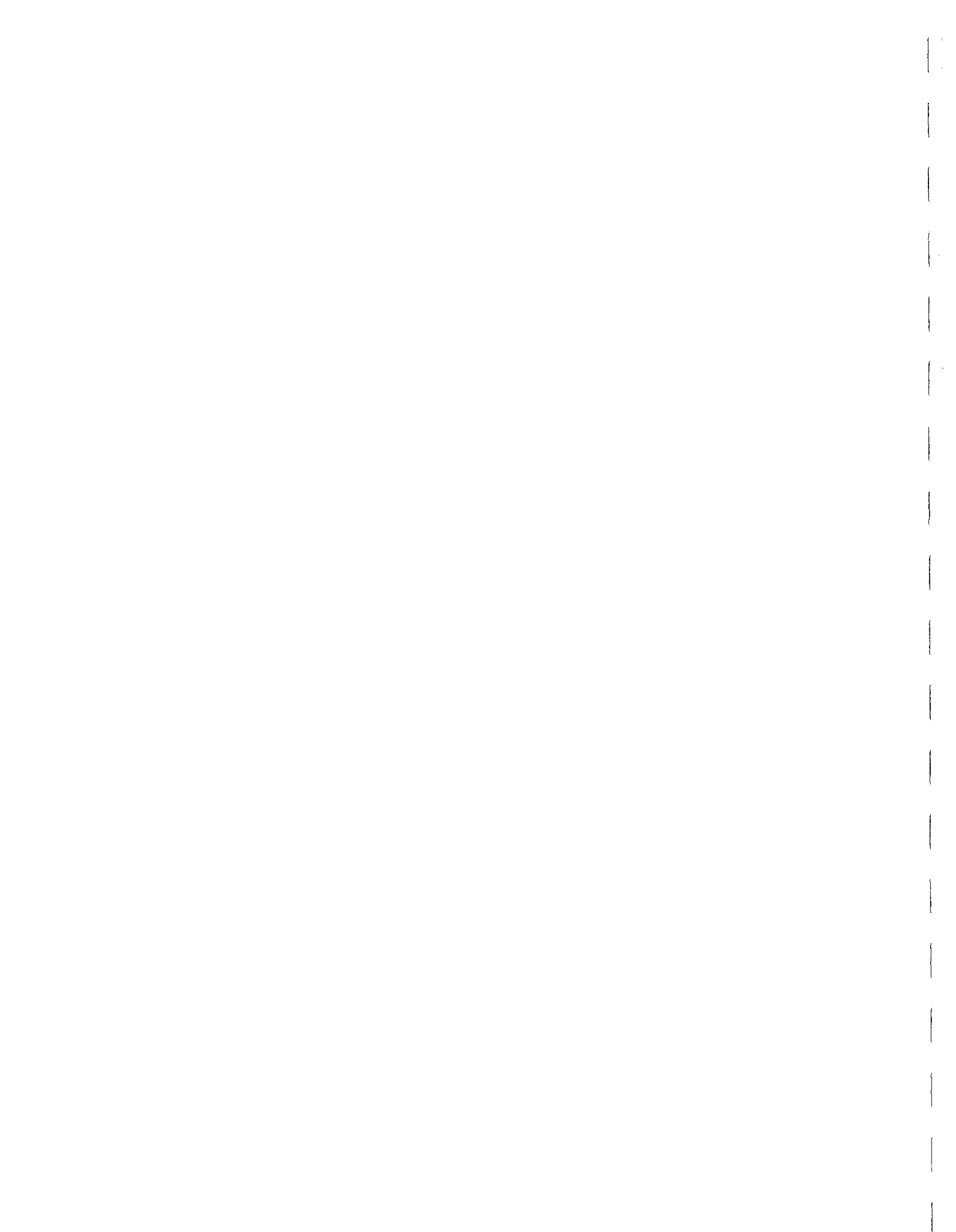
AGRICULTURAL OPERATION: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aqua cultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.

AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No. 164), known as the “Municipality Authorities Act of 1945.”

BARN – A building, accessory or principal, which is used for the storage of farm products for feed, and housing of farm animals and farm equipment, or a combination of such uses.

CENTER FOR LOCAL GOVERNMENT SERVICES: The Governor’s Center for Local Government Services located within the Department of Community and Economic Development.

CITY OR CITIES: Cities of the second class A and third class.



COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER: A Structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support Communications Antennas.

CONCENTRATED ANIMAL and/or FEEDING OPERATION: An agricultural operation meeting the criteria established under the Nutrient Management Act of 1993, Act No. 1993-6, approved and amended by the General Assembly of the Commonwealth of Pennsylvania, and/or applicable Federal Government regulations governing the development Concentrated Animal Feeding Operations.

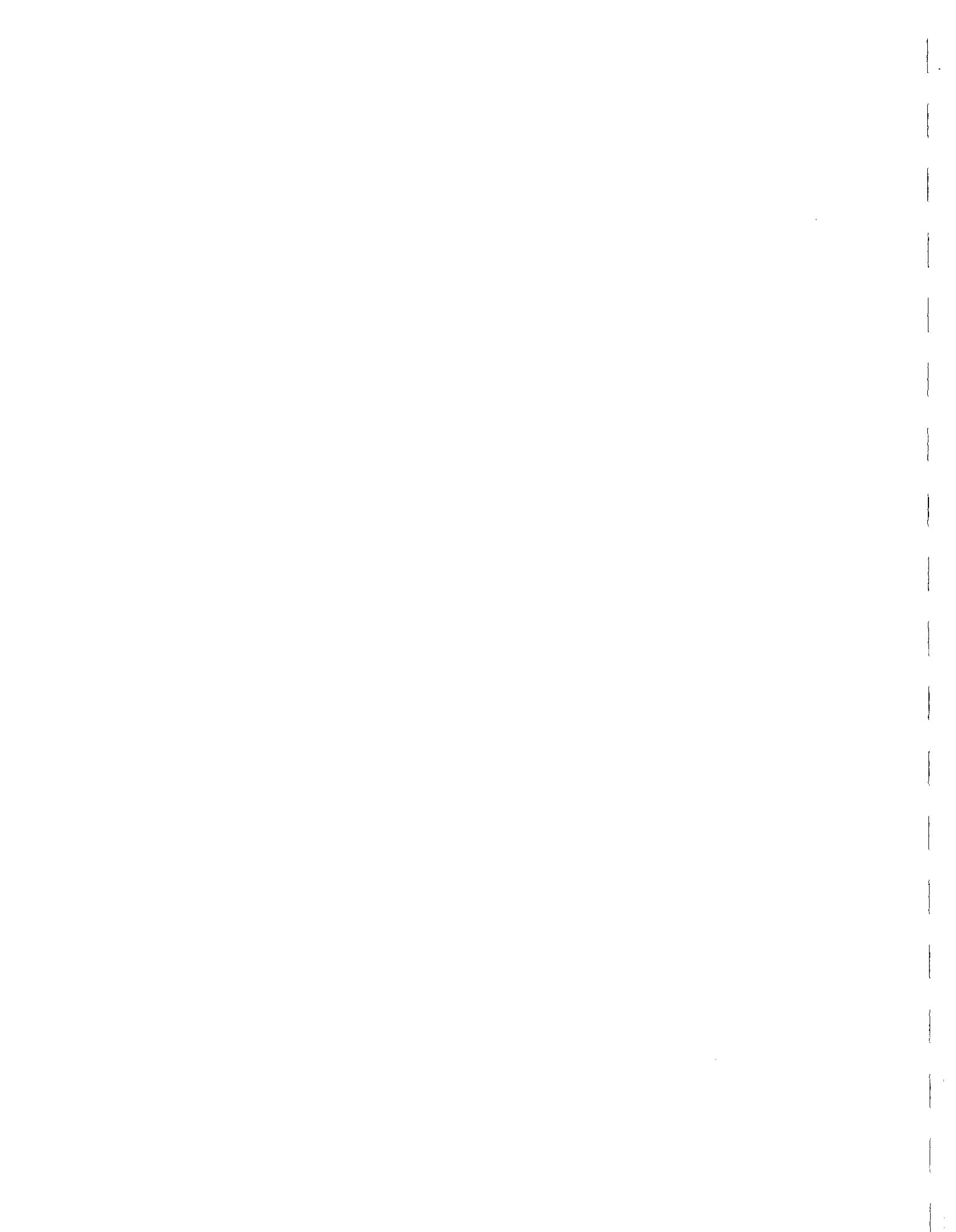
CONDITIONAL USE: A use permitted in a particular zoning district pursuant to the provisions in Article VI.

CONSISTENCY: An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

COUNTY COMPREHENSIVE PLAN: A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

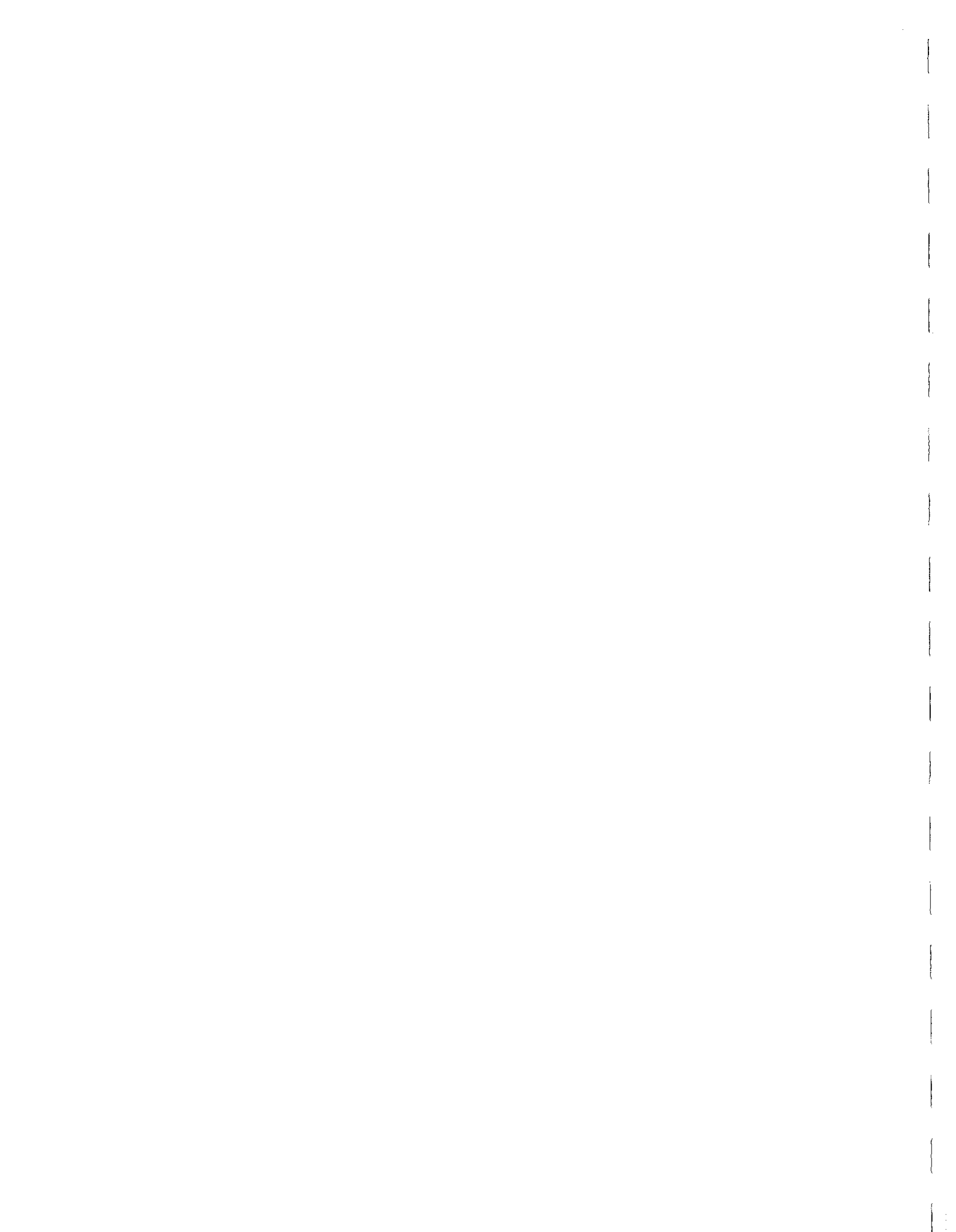
DESIGNATED GROWTH AREA: A region within a county or counties described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more; commercial, industrial and institutional uses are permitted or planned for; and public infrastructure services are provided or planned.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.



DISTRICT: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

- A. "CF" CONSERVATION/FOREST DISTRICT – These district regulations are designed to protect areas in the Township for the preservation and conservation of the natural environment and permit and encourage the retention of forested and open land; flood plain areas of streams, creeks, and drainage ways; and non-intensive land uses located to constitute a harmonious and appropriate part of the physical development of the Township.
- B. "OS" OPEN SPACE DISTRICT – These district regulations are designed to provide for the preservation and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.
- C. "AR" AGRICULTURAL/RESIDENTIAL DISTRICT – These district regulations are composed of agricultural areas and low density residential areas in the Township with limited or no public service systems. The regulations for these districts are designed to protect and stabilize these essential characteristics and promote and encourage a sage and healthful environment for family life. To these ends, development is restricted to agricultural and related land uses and low-density residential uses.
- D. "R-1" RESIDENTIAL DISTRICT – These district regulations are designed to accommodate and protect the amenities of certain areas in the Township where the development pattern has already been established with single-family residential dwellings of a low-density character and to stabilize these areas as a development feature of the Township.
- E. "R-2" RESIDENTIAL DISTRICT – These district regulations are designed to accommodate high-density development in areas of the Township where supportive infrastructure (transportation, public water, and public sewer facilities) exists or will exist at the time of development. The R-2 District will further the range of housing types available in the Township.
- F. "C" COMMERCIAL DISTRICT – These district regulations are designed to provide adequate and accessible commercial services to the Township.
- G. "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT – These district regulations are to provide for orderly development of those uses necessary to meet the neighborhood needs for goods and services as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such neighborhood activities. Since it is often hard to precisely determine means of potential commercial growth in rural areas, it is the intent of this commercial district to allow the Township Supervisors, upon recommendation of the Planning commission to permit a neighborhood commercial district only where they deem appropriate throughout the Township (Conditional Use) so as to provide an area that is not in opposition to the needs and desires of neighborhood residents and is in



harmony with the needs and desires of neighborhood residents and in no way detrimental to the aesthetic quality of the neighborhood.

- H. "I" INDUSTRIAL DISTRICT – These district regulations are to provide for a broad range of industrial uses to supplement existing activities and to provide new employment opportunities, while preserving the integrity of the adjacent land uses.
- I. "FP" FLOOD PLAIN – The purpose of these district regulations is to set forth, by separate Article, zoning related flood plain management regulations deemed necessary to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base.

FARM ANIMAL: Any animal normally or ordinarily undomesticated such as, but not limited to livestock, cows, horse, goats, sheep, poultry or other animals as identified by Standard Weight in Pounds During Production Range as developed by the State Conservation Commission.

FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles; through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

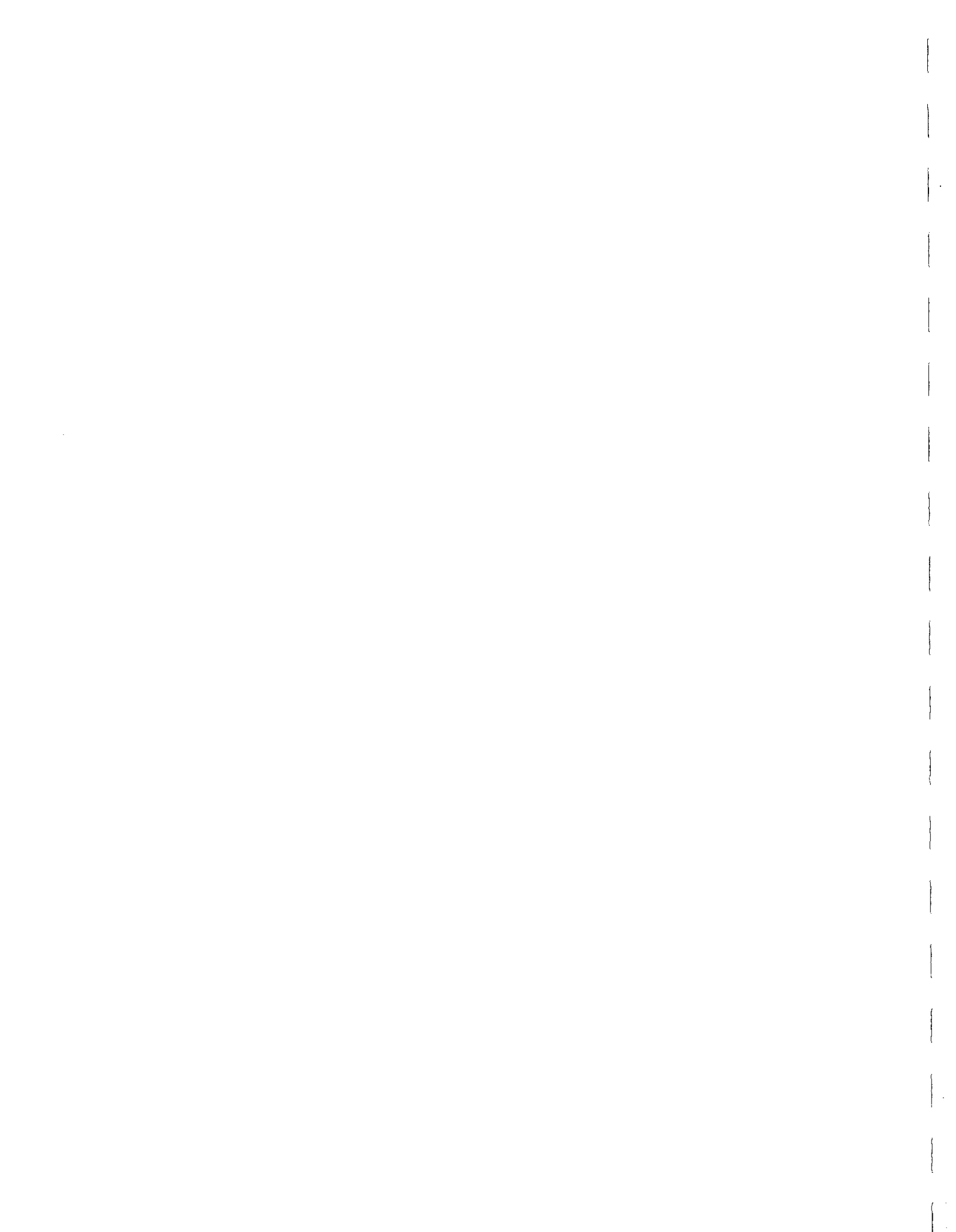
FUTURE GROWTH AREA: An area of a municipal or multi-municipal plan outside of and adjacent to a designated growth area where residential, commercial, industrial and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

GENERAL CONSISTENCY, GENERALLY CONSISTENT: That which exhibits consistency.

GOVERNING BODY: The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government.

LAND DEVELOPMENT: any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. a group of two or more residential or non residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or



2. the division or allocation of land or space, whether initially or cumulatively, between or
3. among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Provisions for the exclusion of certain land development from the definition of land development contained in section 107 only when such land development involves:

1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

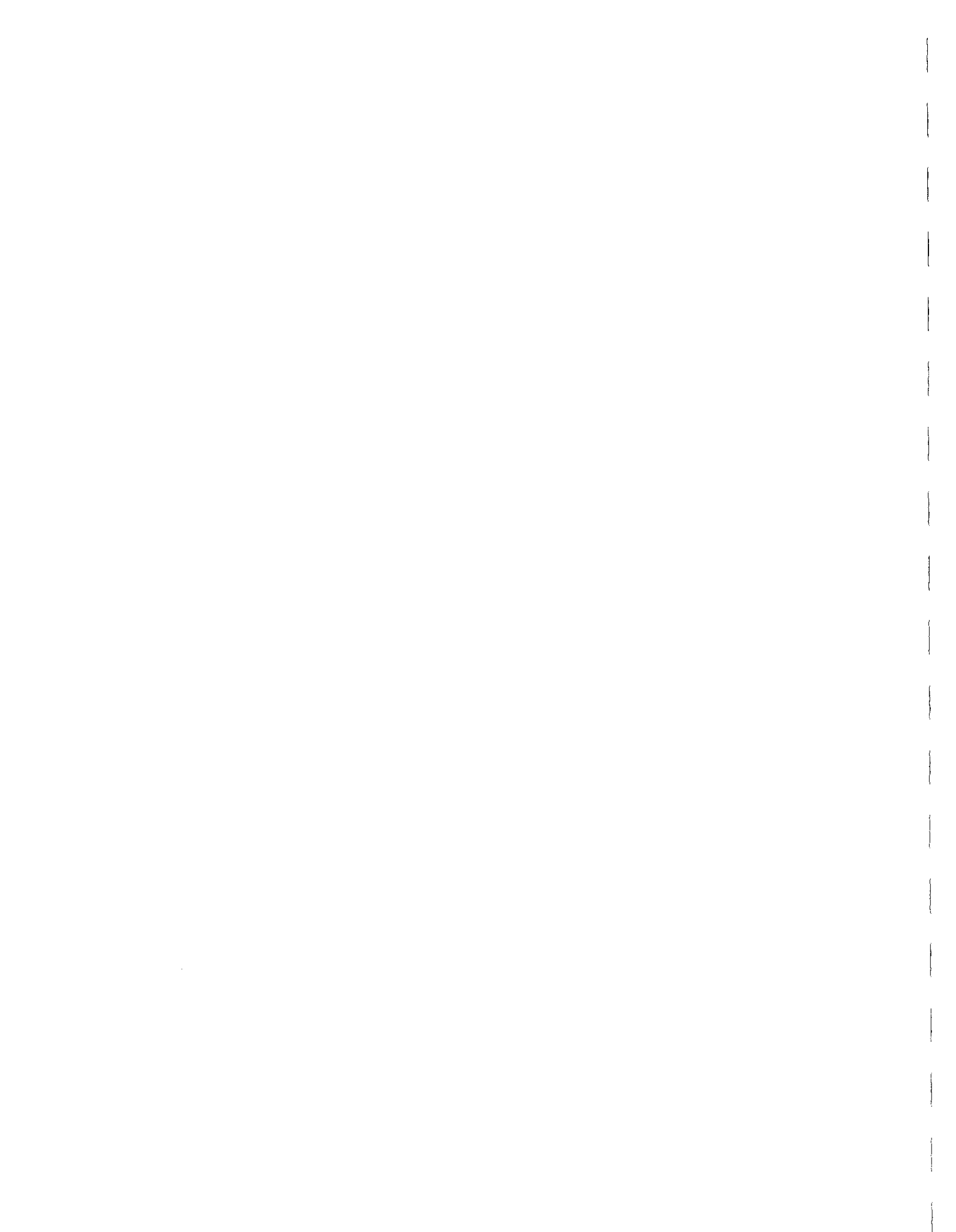
LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

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

MULTI-MUNICIPAL PLAN: A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

MULTI-MUNICIPAL PLANNING AGENCY: A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multi-municipal issues, including, but not limited to, agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."



MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

MUNICIPALITY: Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

OFFICIAL MAP: A map adopted by ordinance pursuant to Article IV.

PLANNING AGENCY: A planning commission, planning department, or a planning committee of Wheatfield Township.

PRESERVATION OR PROTECTION: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PUBLIC INFRASTRUCTURE AREA: A designated growth area and all or any portion of a future growth area described in a county or multi-municipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

PUBLIC INFRASTRUCTURE SERVICES: Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilitates for the collection and treatment of sewage, water lines and facilitates for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

PUBLIC MEETING: A forum held pursuant to notice under 65 Pa.C.S. CH. 7 (relating to open meetings).

REGIONAL PLANNING AGENCY: A planning agency that is comprised of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.



RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RURAL RESOURCE AREA: An area described in a municipal or multi-municipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

SPECIAL EXCEPTION: A use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX.

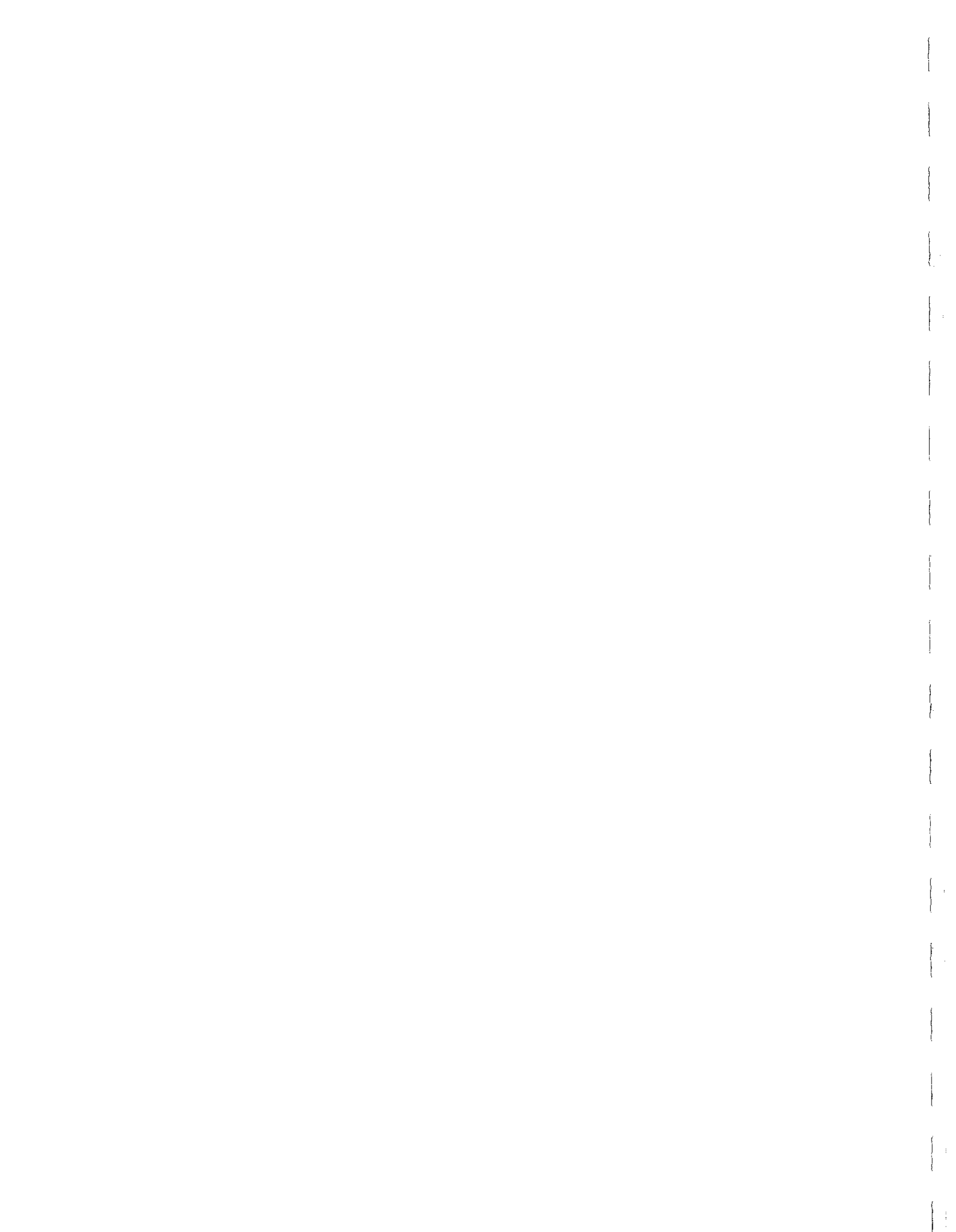
SPECIFIC PLAN: A detailed plan for nonresidential development of an area covered by a municipal or multi-municipal comprehensive plan, which when approved and adopted by the participating municipalities through ordinances and agreements supersedes all other applications.

STATE LAND USE AND GROWTH MANAGEMENT REPORT: A comprehensive land use and growth management report to be prepared by the Center of Local Government Services and which shall contain information, data and conclusions regarding growth and development patterns in this Commonwealth and which will offer recommendations to commonwealth agencies for coordination of executive action, regulation and programs.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public building, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRANSFERABLE DEVELOPMENT RIGHTS: The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

VARIANCE: Relief granted pursuant to the provision of Articles VI and IX.



SECTION: 2. Article IV – CF-CONSERVATION/FOREST DISTRICT shall be amended by modifying Section 402 as follows:

Section 402 – Permitted Uses

H. Agricultural uses related to the tilling of the land.

I. Farm Animal in accordance with Article XIV, Section 1402.AG

SECTION: 3. Article IV – CF-CONSERVATION/FOREST DISTRICT shall be amended by modifying Section 402 as follows:

Existing permitted use “K. Radio and Television towers” shall be deleted, and existing permitted uses “L” and “M” shall be re-lettered “K” and “L”

SECTION: 4. Article IV – CF-CONSERVATION/FOREST DISTRICT shall be amended by modifying Section 403 as follows:

Section 403 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed thirty (30) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

SECTION: 5. Article IV – CF-CONSERVATION/FOREST DISTRICT shall be amended by modifying Section 406 as follows:

Section 406 – Yard Regulations

A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.

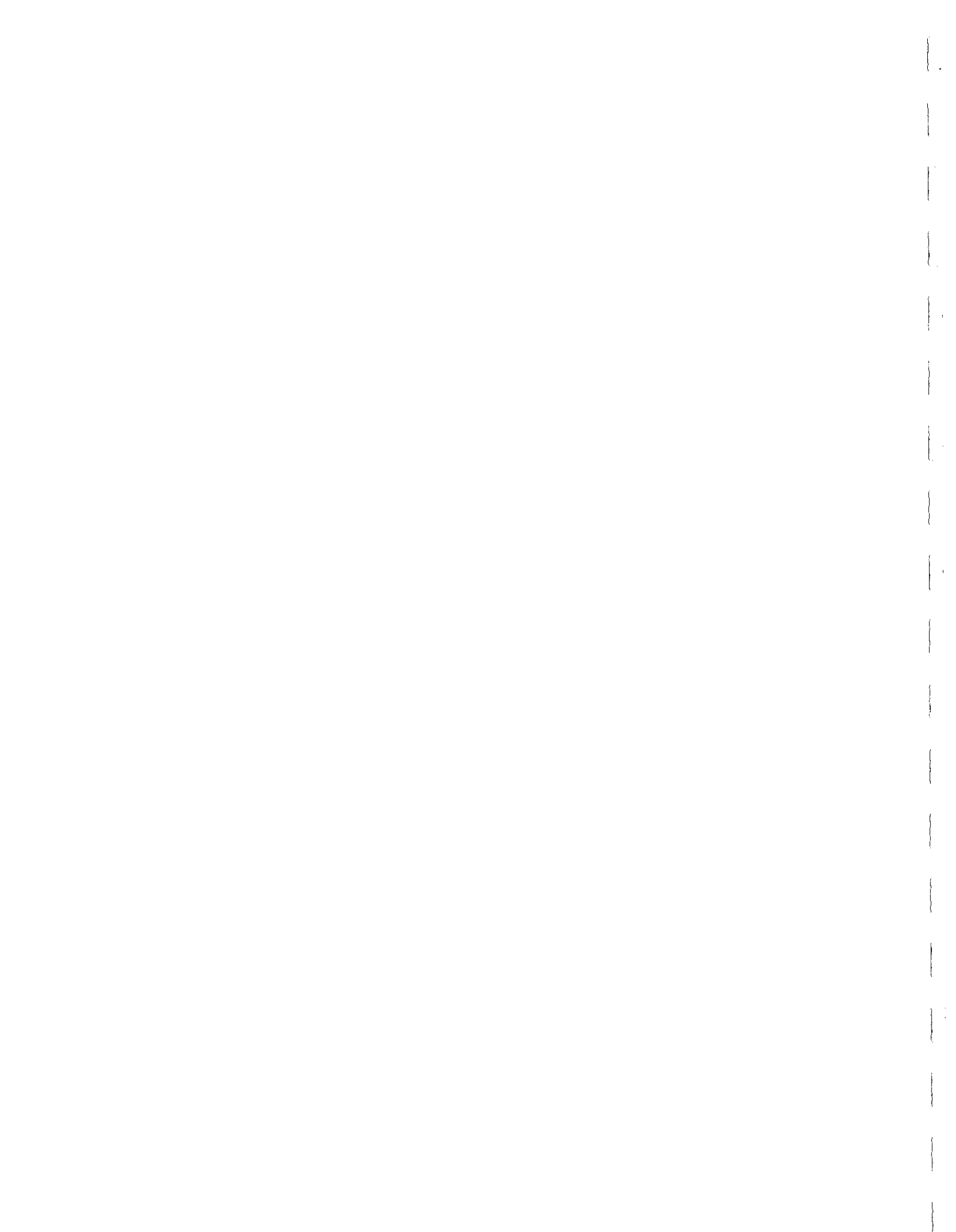
1. Front Yard-Principal Building:

a. Minimum of thirty-five (35) feet from the right-of-way line.

b. In the case where a property’s front yard does not abut a public road, the front yard setback shall be not less than sixty-five (65) feet from the centerline of any private road serving more than one (1) dwelling unit.

2. Two (2) side yards with a width of twenty (20) feet each, on interior lots. On a corner lot, the side yard abutting the street shall be not less than thirty-five (35) feet in width.

3. Rear yard depth, fifty (50) feet.



SECTION: 6. Article V – OS-OPEN SPACE DISTRICT shall be amended by modifying Section 502 as follows:

Section 502 – Permitted Uses

D. Agricultural uses related to the tilling of the land

E. Farm Animals in accordance with Article XIV, Section 1402.AG

SECTION: 7. Article V – OS-OPEN SPACE DISTRICT shall be amended by modifying Section 505 as follows:

Section 505 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed thirty (30) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

SECTION: 8. Article VI – AR-AGRICULTURAL/RESIDENTIAL DISTRICT shall be amended by modifying Section 602 as follows:

Section 602 – Permitted Uses

M. Agricultural uses related to the tilling of the land.

N. Farm Animals in accordance with Article XIV, Section 1402.AG

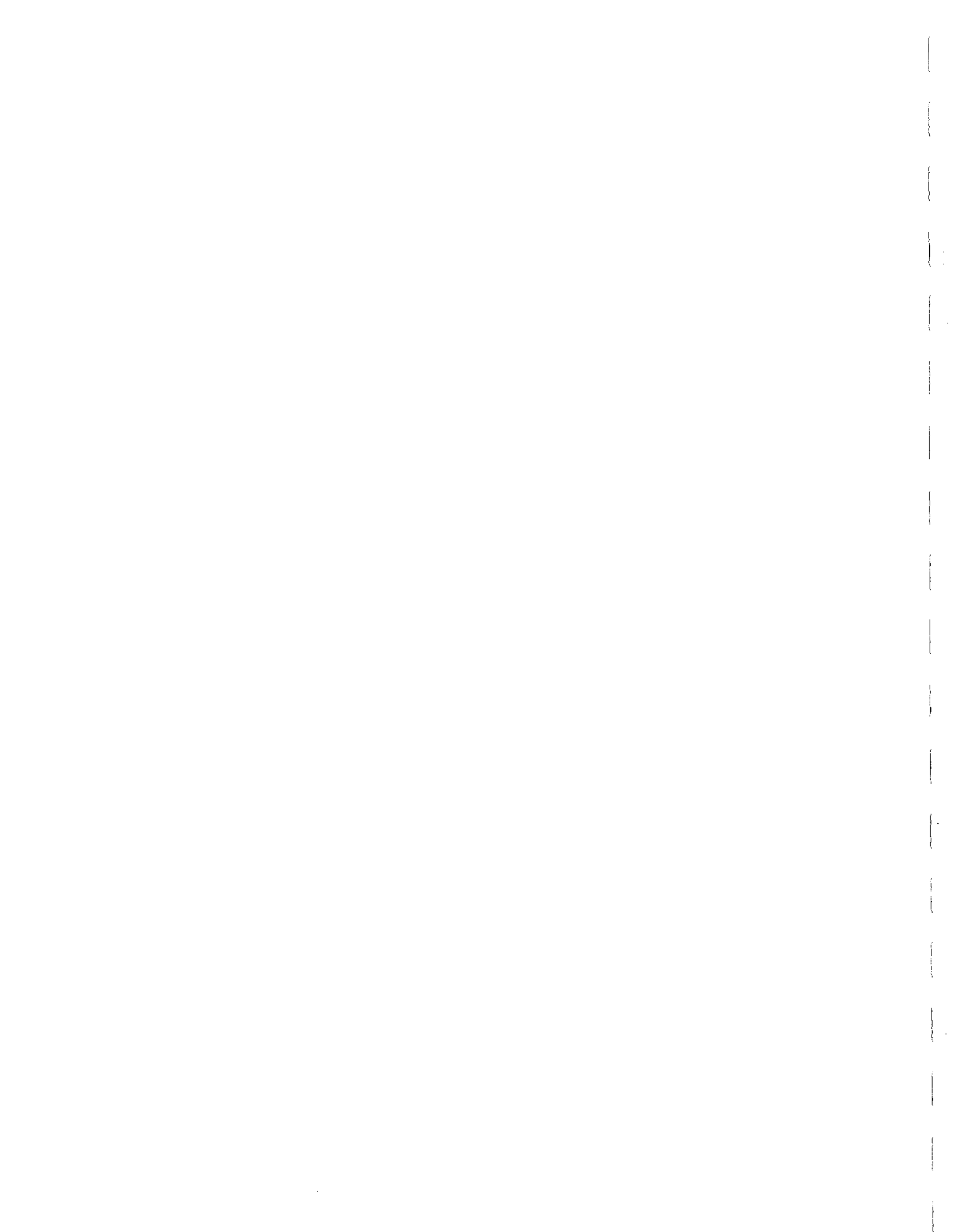
SECTION: 9. Article VI – AR-AGRICULTURAL/RESIDENTIAL DISTRICT shall be amended by modifying Section 602 as follows:

S. Concentrated Animal and/or Feeding Operations in accordance with Article XIV, Section 1402.I

T. Communication Antennas, Communication Buildings, and Communication Towers in accordance with Article XIV of this Ordinance

U. Home Occupation in accordance with Article XIV of this Ordinance

V. Customary accessory uses and buildings incidental to any permitted use



SECTION: 10. Article VI – AR-AGRICULTURAL/RESIDENTIAL DISTRICT shall be amended by modifying Section 603 as follows:

Section 603 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed thirty (30) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

SECTION: 11. Article VI – AR-AGRICULTURAL/RESIDENTIAL DISTRICT shall be amended by modifying Section 607 as follows:

Section 607 – Yard Regulations

A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.

1. Front Yard-Principal Building:

a. Minimum of thirty-five (35) feet from the right-of-way line.

b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than sixty-five (65) feet from the centerline of any private road serving more than one (1) dwelling unit.

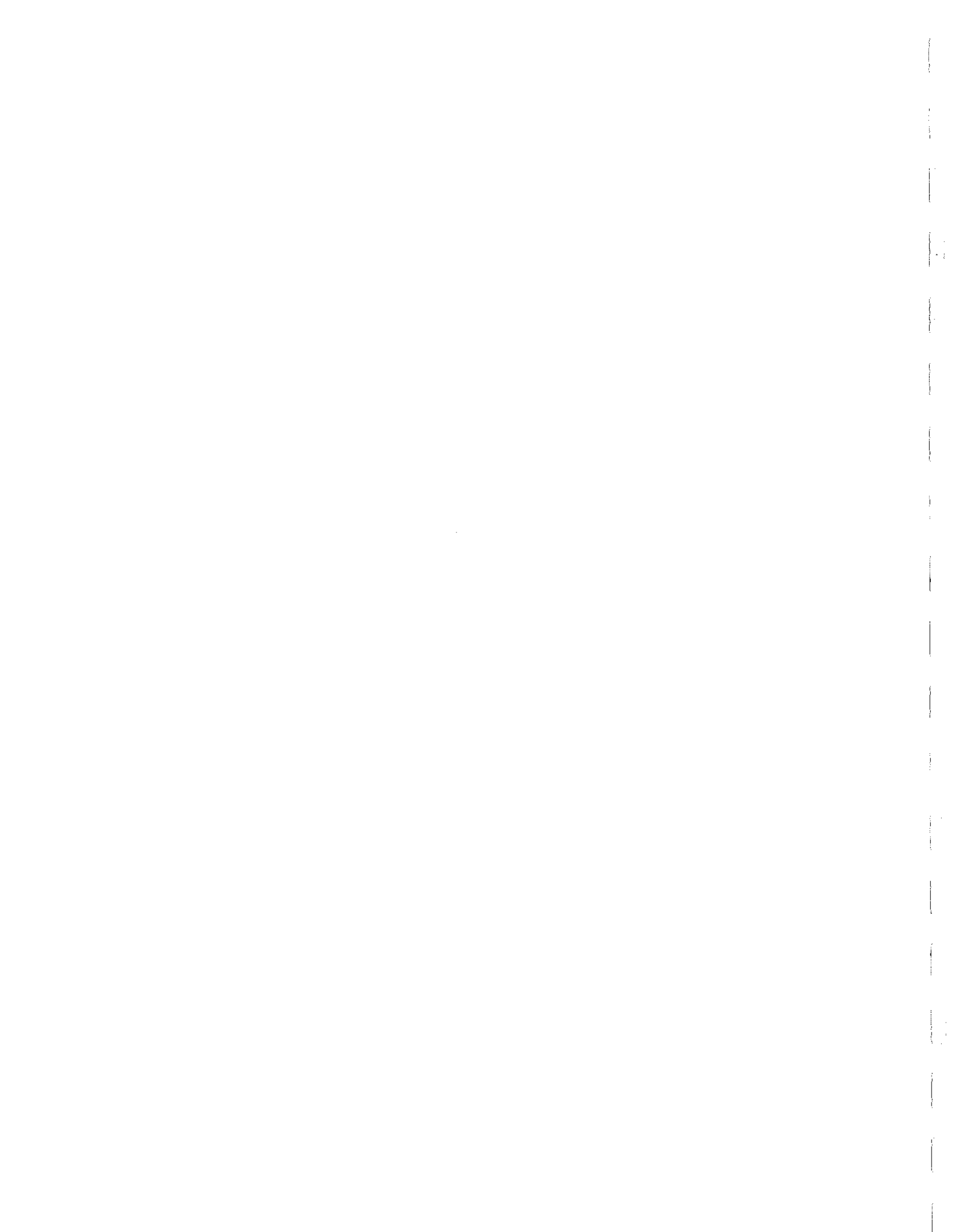
2. Two (2) side yards with a width of twenty (20) feet each, on interior lots. On a corner lot, the side yard abutting the street shall be not less than thirty-five (35) feet in width.

3. Rear yard depth, fifty (50) feet.

SECTION: 12. Article VII – R-1 – RESIDENTIAL DISTRICT shall be amended by modifying Section 702 as follows:

J. Agricultural uses related to the tilling of the land.

K. Farm animals in accordance with Article XIV, Section 1402.AG



SECTION: 13. Article VII – R-1 – RESIDENTIAL DISTRICT shall be amended by modifying Section 703 as follows:

Section 703 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed thirty (30) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

SECTION: 14. Article VII – R-1-RESIDENTIAL DISTRICT shall be amended by modifying Section 707 as follows:

Section 707 – Yard Regulations

A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.

1. Front Yard-Principal Building:

a. Minimum of thirty-five (35) feet from the right-of-way line.

b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than sixty-five (65) feet from the centerline of any private road serving more than one (1) dwelling unit.

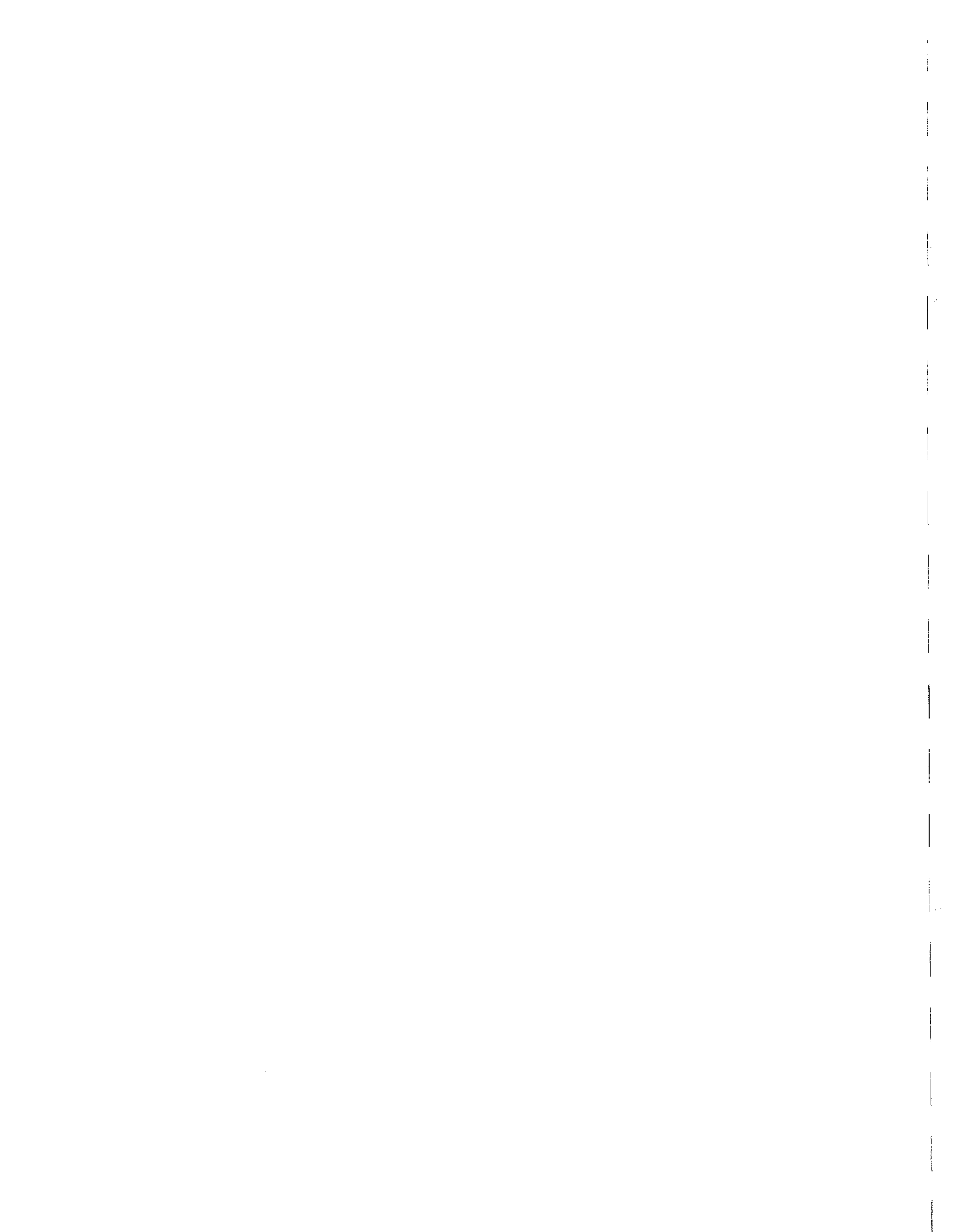
2. Two (2) side yards with a width of twenty (20) feet each, on interior lots. On a corner lot, the side yard abutting the street shall be not less than thirty-five (35) feet in width.

3. Rear yard depth, fifty (50) feet.

SECTION: 15. Article VIII – R-2 - RESIDENTIAL DISTRICT shall be amended by modifying Section 803 as follows:

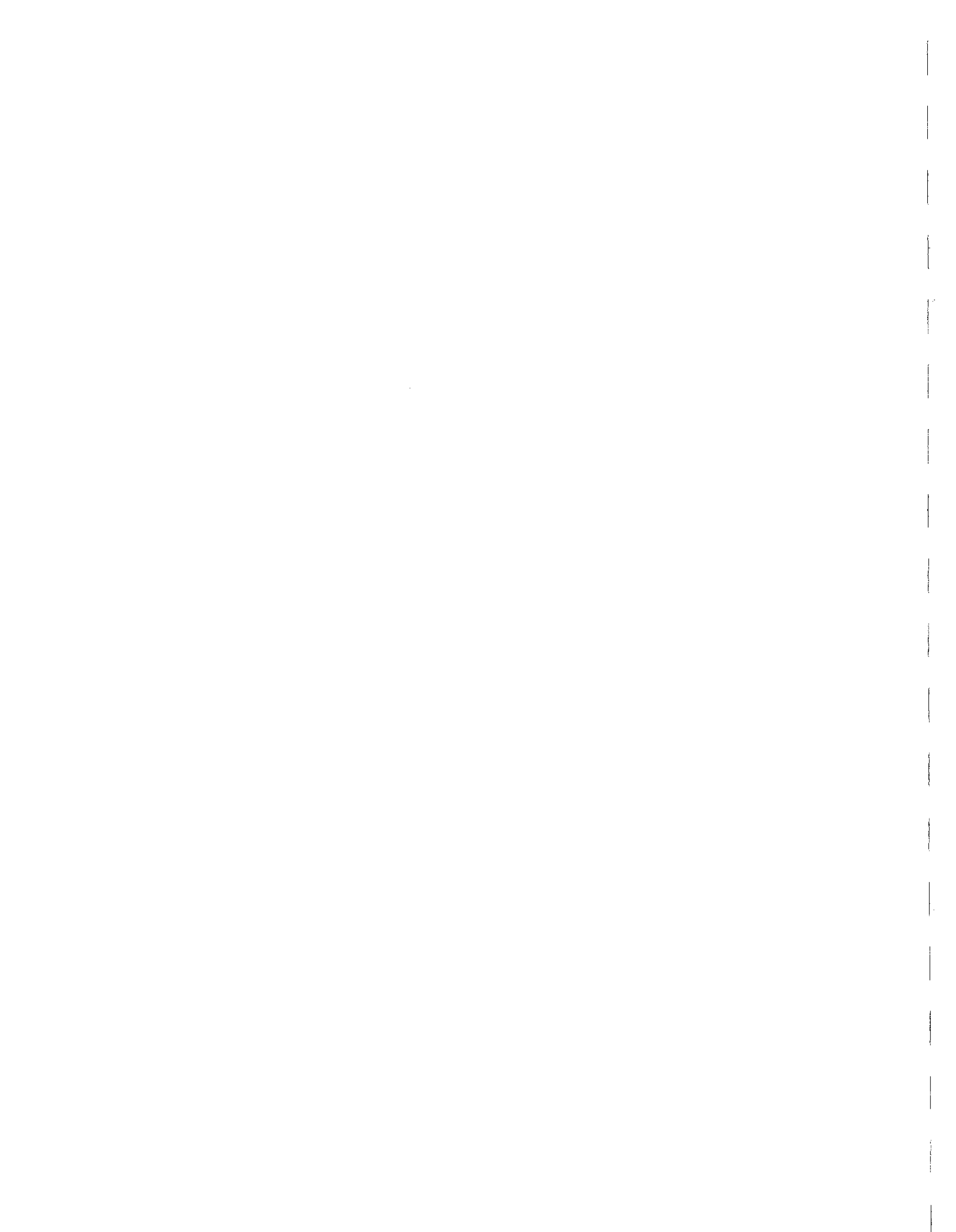
Section 803 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed thirty (30) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.



SECTION: 16. Article VIII – R-2 – RESIDENTIAL DISTRICT shall be amended by modifying minimum yard setbacks in Table 804.A as follows:

DWELLING TYPE	MINIMUM YARD SETBACK (FEET)			
	FRONT YARD	SIDE YARD	CORNER SIDE	REAR YARD
SINGLE-FAMILY DETACHED	35	20	35	50
SINGLE-FAMILY SEMI-DETACHED	35	20	35	50
TWO-FAMILY DETACHED	35	20	35	50
PRINCIPAL NON-RESIDENTIAL BUILDING	35	20	35	50



SECTION: 17. Article VIII – R-2 – RESIDENTIAL DISTRICT shall be amended by modifying minimum yard setbacks in Table 804.B as follows:

DWELLING TYPE	MINIMUM YARD SETBACK (FEET)			
	FRONT YARD	SIDE YARD	CORNER SIDE	REAR YARD
SINGLE-FAMILY DETACHED	35	15	35	35
SINGLE-FAMILY SEMI-DETACHED	35	15	35	35
TWO-FAMILY DETACHED (DUPLEX)	35	15	35	35
SINGLE-FAMILY ATTACHED (TOWNHOUSE)	35	15	35	35
MULTI-FAMILY	35	15	35	35
MOBILE HOME PARK	25	10	25	15
PRINCIPAL NON-RESIDENTIAL BUILDING	35	15	35	35

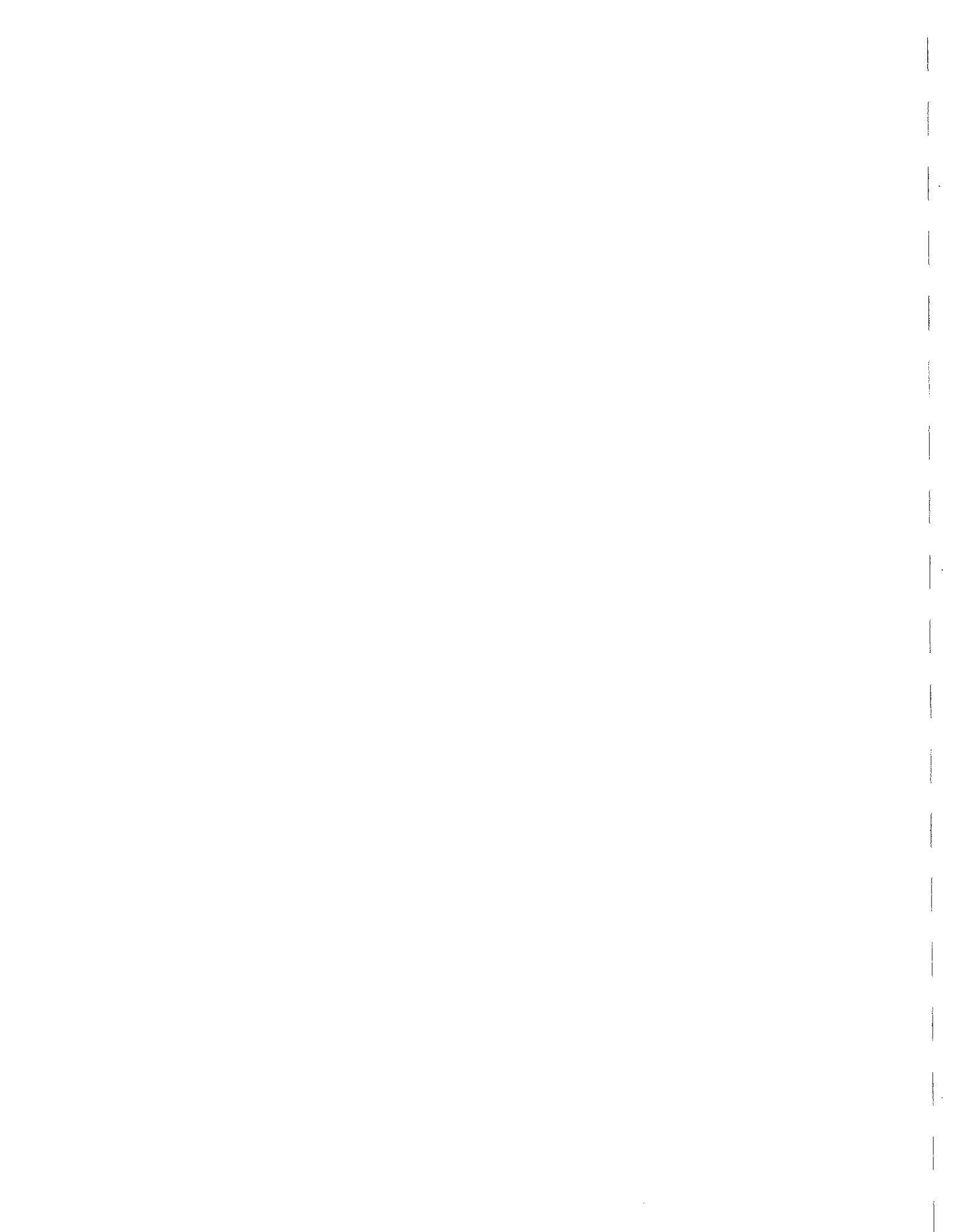
SECTION: 18. Article IX – C – COMMERCIAL DISTRICT shall be amended by modifying Section 902 as follows:

Existing permitted use “AP. Radio and Television towers” shall be revised to read Communication Antennas, Communication Buildings, and Communication Towers in accordance with Article XIV, Section 1402.AF

SECTION: 19. Article IX – C – COMMERCIAL DISTRICT shall be amended by modifying Section 903 as follows:

Section 903 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed thirty (30) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.



SECTION: 20. Article IX – C – COMMERCIAL DISTRICT shall be amended by modifying Section 906 as follows:

Section 906 – Yard Regulations

- A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.
1. Front Yard-Principal Building:
 - a. Minimum of thirty-five (35) feet from the right-of-way line.
 - b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than sixty-five (65) feet from the centerline of any private road serving more than one (1) dwelling unit.
 2. Two (2) side yards with a width of twenty (20) feet each, on interior lots. On a corner lot, the side yard abutting the street shall be not less than thirty-five (35) feet in width.
 3. Rear yard depth, fifty (50) feet.

SECTION: 21. Article X – C-1 – NEIGHBORHOOD COMMERCIAL DISTRICT shall be amended by modifying Section 1004 as follows:

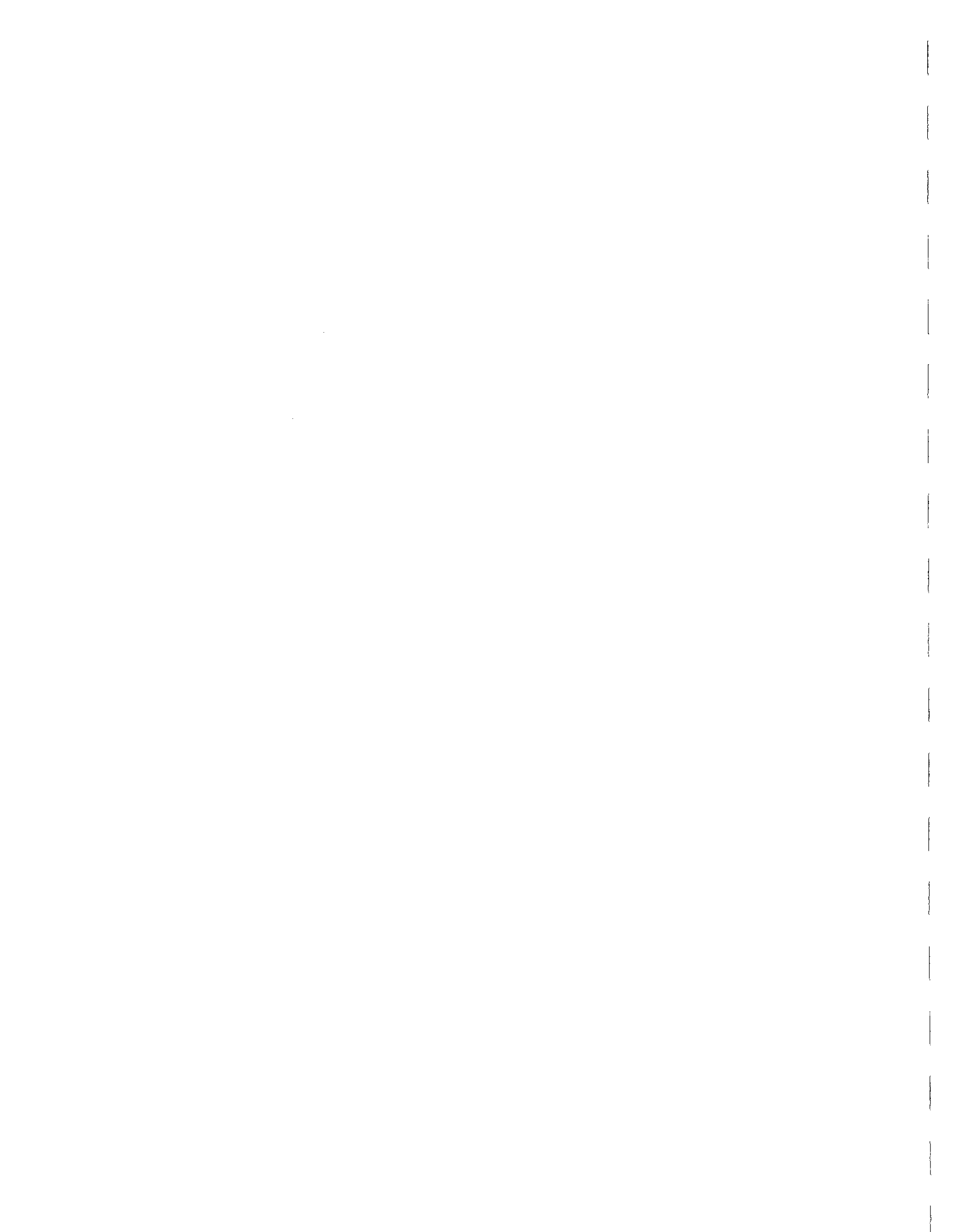
Section 1004 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed thirty (30) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

SECTION: 22. Article X – C-1 – NEIGHBORHOOD COMMERCIAL DISTRICT shall be amended by modifying Section 1008 as follows:

Section 1008 – Yard Regulations

- A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.
1. Front Yard-Principal Building:
 - a. Minimum of thirty-five (35) feet from the right-of-way line.



- b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than sixty-five (65) feet from the centerline of any private road serving more than one (1) dwelling unit.
2. Two (2) side yards with a width of twenty (20) feet each, on interior lots. On a corner lot, the side yard abutting the street shall be not less than thirty-five (35) feet in width.
3. Rear yard depth, fifty (50) feet.

SECTION: 23. Article XI – I – INDUSTRIAL DISTRICT shall be amended by modifying Section 1102 as follows:

W. Communication Antennas, Communication Buildings, and Communication Towers in accordance with Article XIV, Section 1402.AF

SECTION: 24. Article XI –INDUSTRIAL DISTRICT shall be amended by modifying Section 1103 as follows:

Section 1103 – Height Regulations

The height of a principal building shall be not greater than forty (40) feet. No accessory building shall exceed one story or thirty (30) feet in height. This height requirement is measured from the highest point of the adjacent existing ground.

Section: 25. Article XIII, SIGNS- shall be amended by modifying Section 1305 as follows:

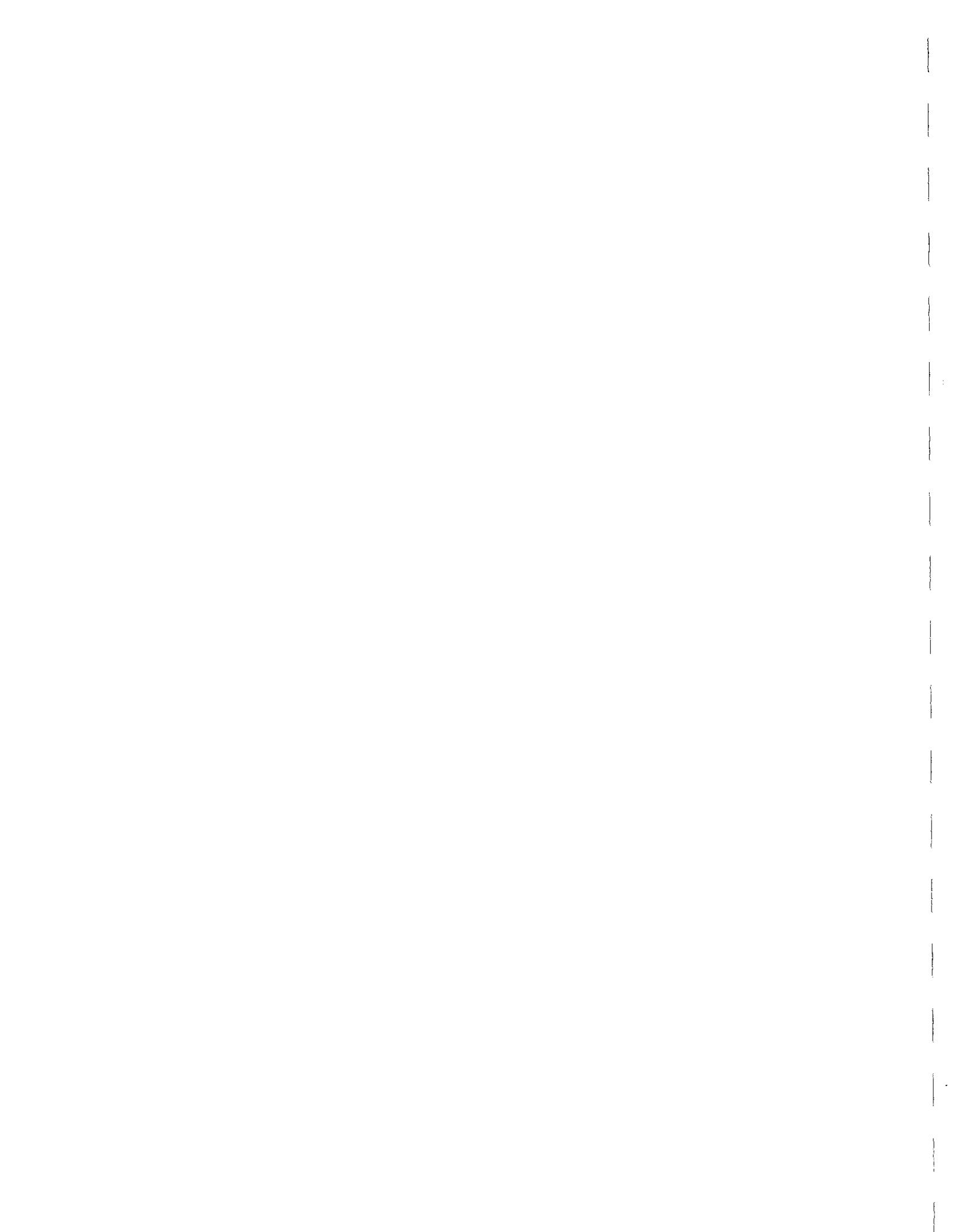
Section 1305 – Special Signs

5. School Bus Shelter signs shall not exceed 32 sq. ft.

SECTION 26. Article XIII, SIGNS-shall be amended by modifying Section 1306 as follows:

Section 1306 – Signs Prohibited in all Districts

- A. The following signs shall not be permitted, erected, constructed, or maintained in any zoning district, unless specifically provided for in this part or elsewhere. Such signs which are prohibited shall be removed or brought into conformity with the provisions of this part within three years after this Ordinance is enacted.



SECTION: 27. Article XIV, GENERAL REGULATIONS shall be amended by modifying Section 1402 as follows:

Section 1402 – Use Regulations

B. Private Antennas, Radio and Television: Radio and television antennas, including but not limited to satellite dish antennas, may be installed, erected, and maintained within all zoning districts of the Township, as set forth in this Section. A Communication Antenna, Communication Building, or Communication Tower shall not be considered a Private Antennas, Radio and Television Antenna. All antennas shall be subject to the following:

1. Approval of Antennas

a. The following antennas shall be reviewed and approved by the Zoning Officer if in accordance with development standards as set forth in this Section:

(1) All roof-mounted antennas where the boom or any active element of the antenna array is higher than ten (10) feet above the highest point of the structure.

b. Ground-mounted antennas exceeding fifty (50) feet in height may be permitted, if a special exception permit is granted in accordance with this Section, provided that no antenna shall exceed seventy-five (75) feet in height.

2. Development Standards

a. All antennas shall be located, designed, constructed, treated, and maintained in compliance with the following standards:

(1) Antennas shall be installed and maintained in compliance with this Ordinance.

(2) Antennas that are roof-mounted shall not extend higher than twenty (20) feet above the highest point of the roof section where mounted.

(3) No more than one (1) ground-mounted antennae exceeding fifty (50) feet in height shall be permitted on each lot.

(11) Dish Antennas: Dish antennas shall be a permitted accessory use in any district and shall comply with the following conditions and requirements:

a. All dish antennas shall meet the yard setback and height limitations for the zoning district in which they are located.

b. Distance of any guy anchorage or similar device shall be at least ten (10') feet from any property line.



- c. No antenna shall be in excess of a height equal to the distance from the base of the antenna to the nearest overhead electrical power line.
- d. Limit is two on a lot in residential and agricultural districts.

(12) Exemptions: Satellite dish antennas twenty-four (24) inches and smaller in diameter shall be exempt from the requirements of this Section.

SECTION: 28. Article XIV, GENERAL REGULATIONS shall be amended by revising Section 1402.I as follows:

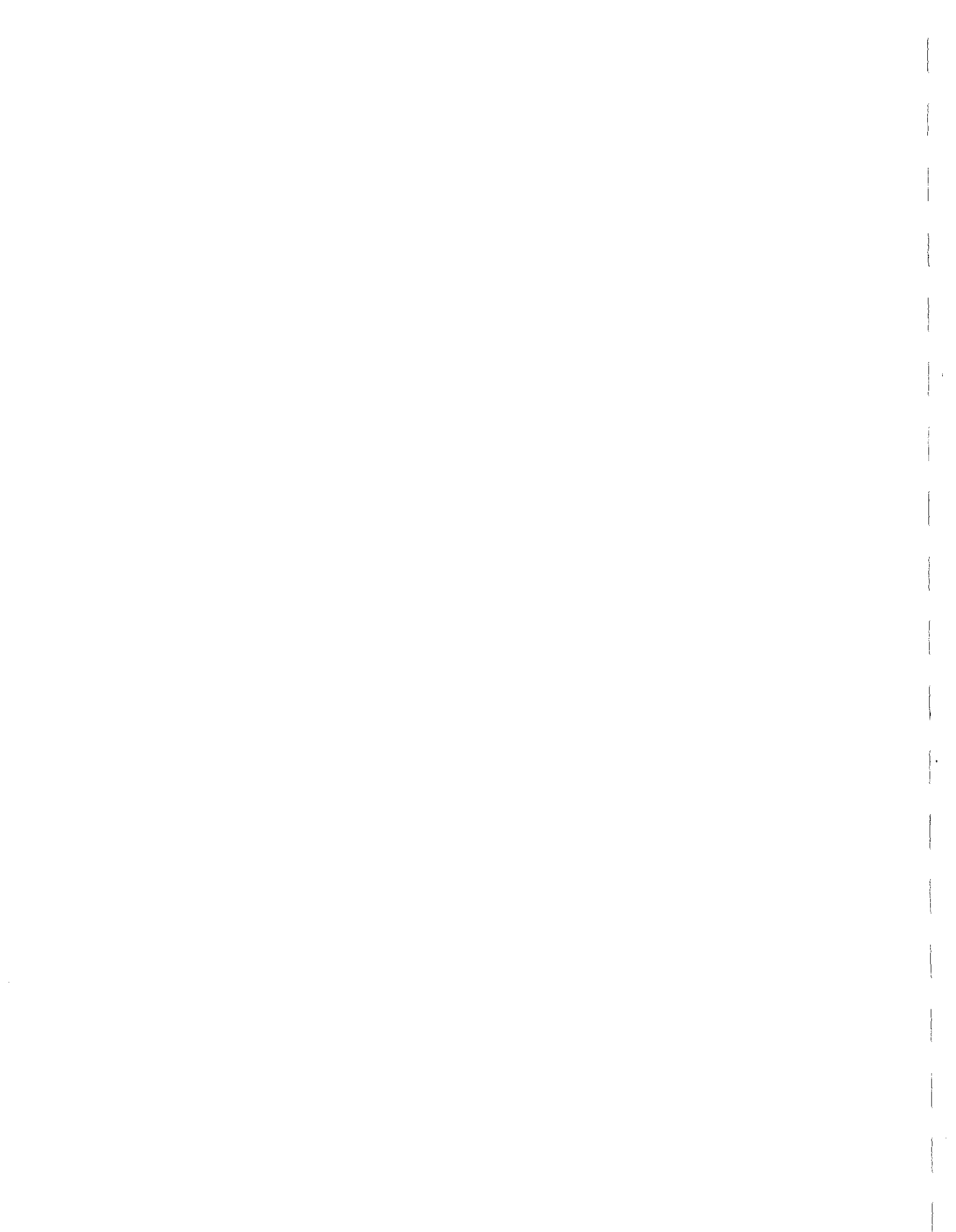
I. Concentrated Animal and/or Feeding Operation in the AR - Agricultural Residential District.

1. Concentrated Animal and/or Feeding Operations shall include the following:
 - a. The keeping of more than two (2) animal equivalent units (AEU) per acre of land. The number of AEUs per acre shall be calculated by dividing the total number of AEUs by the total number of acres of land on the lot. For purposes of this Ordinance, one (1) animal unit is equivalent to one thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. The number of AEUs on the agricultural operation shall be calculated according to the steps detailed in Table 1.
2. Special setback requirements. Any new structure in which animals comprising a concentrated animal operation is kept shall be located a minimum distance of:
 - a. Two hundred (200) feet of any property line.
3. A Nutrient Management Plan shall be prepared in compliance with the requirements of PaDEP, the Perry County Conservation District and other applicable Agencies, and a copy of the approved plan shall be submitted to the Township.

SECTION: 29. Article XIV, GENERAL REGULATIONS shall be amended by adding Section 1402.AF as follows:

1402 AF. Communication Antennas, Communication Buildings, and Communications Towers

1. General Requirements for Communications Antennas and Communications Buildings
 - a. No Communication Antenna or Communication Building shall be permitted in the **CF, OS, R1, R2, C1, and FP Districts.**
 - b. Building-mounted Communications Antennas shall not be located on any residential structure, or on a building listed on a historic register or located in an officially designated state or federal historic district.

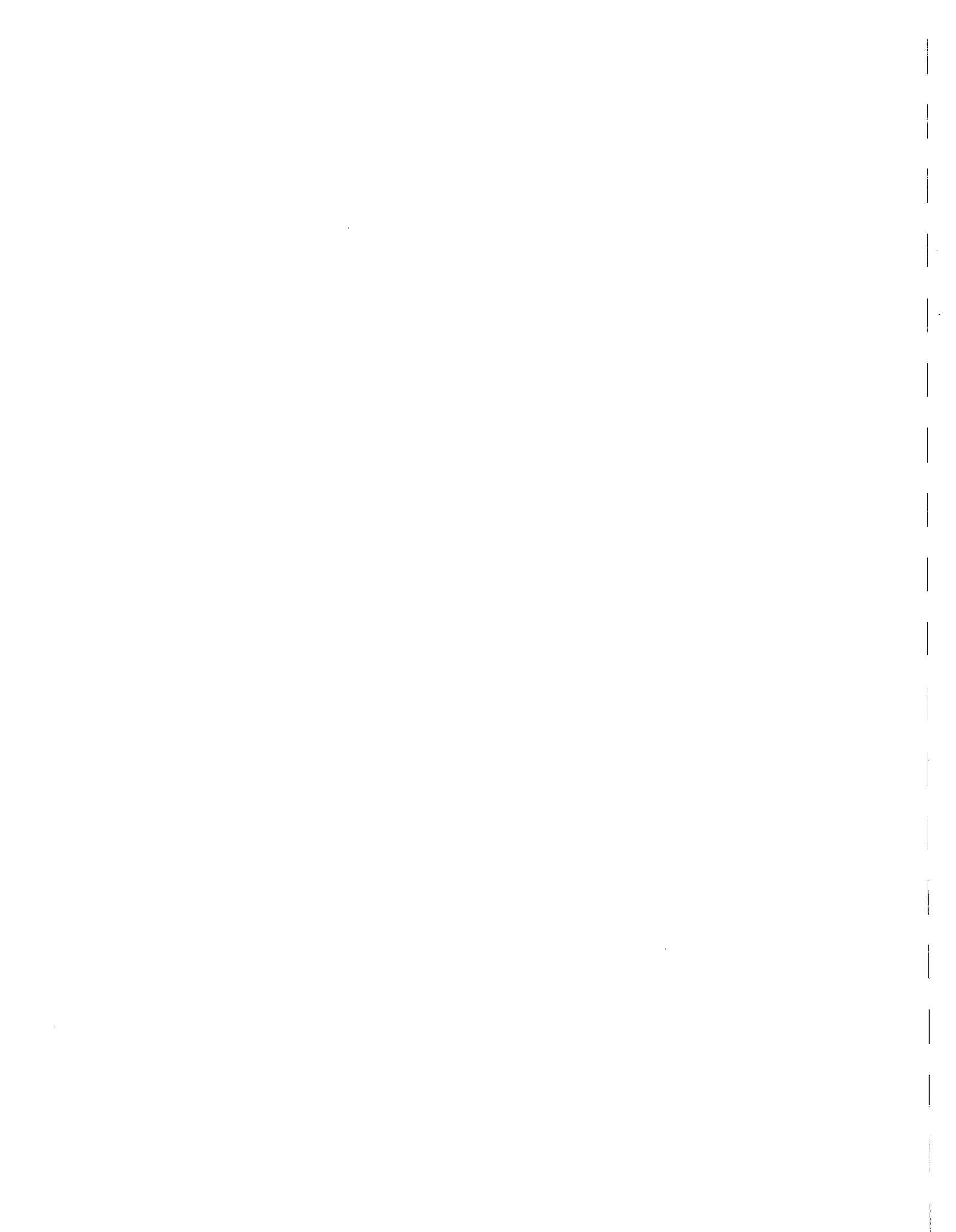


- c. Building-mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than twenty (20) feet.
- d. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- e. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
- f. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- g. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer.
- h. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.
- i. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- j. Communications Antennas shall not cause radio frequency interference with other communications facilities located within Wheatfield Township.
- k. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory building.
- l. The owner and operator of Communications Antennas shall be licensed by the Communications Commission to operate such antennas, and shall provide a copy of such license to the Township.

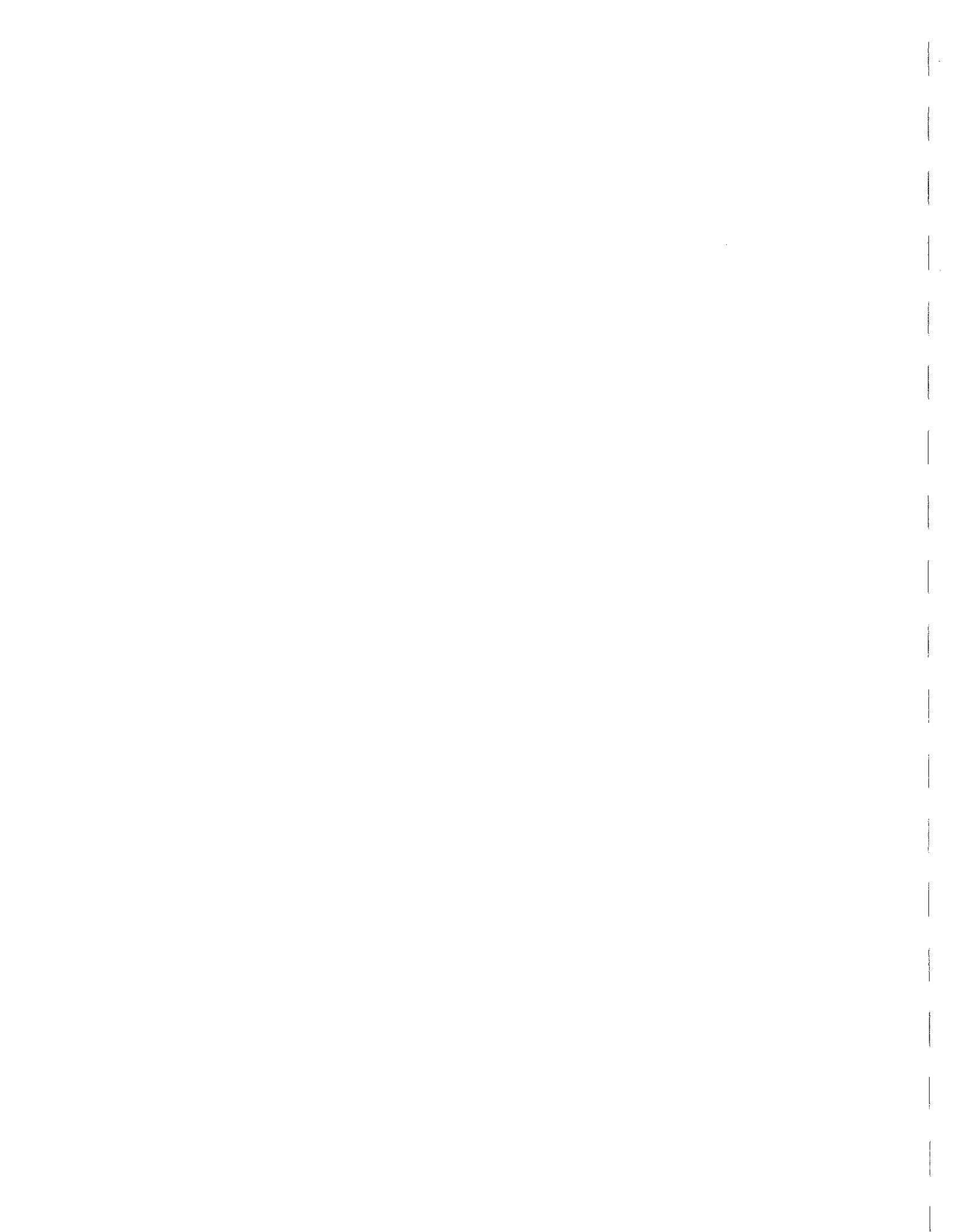


2. General Requirements for Communications Towers

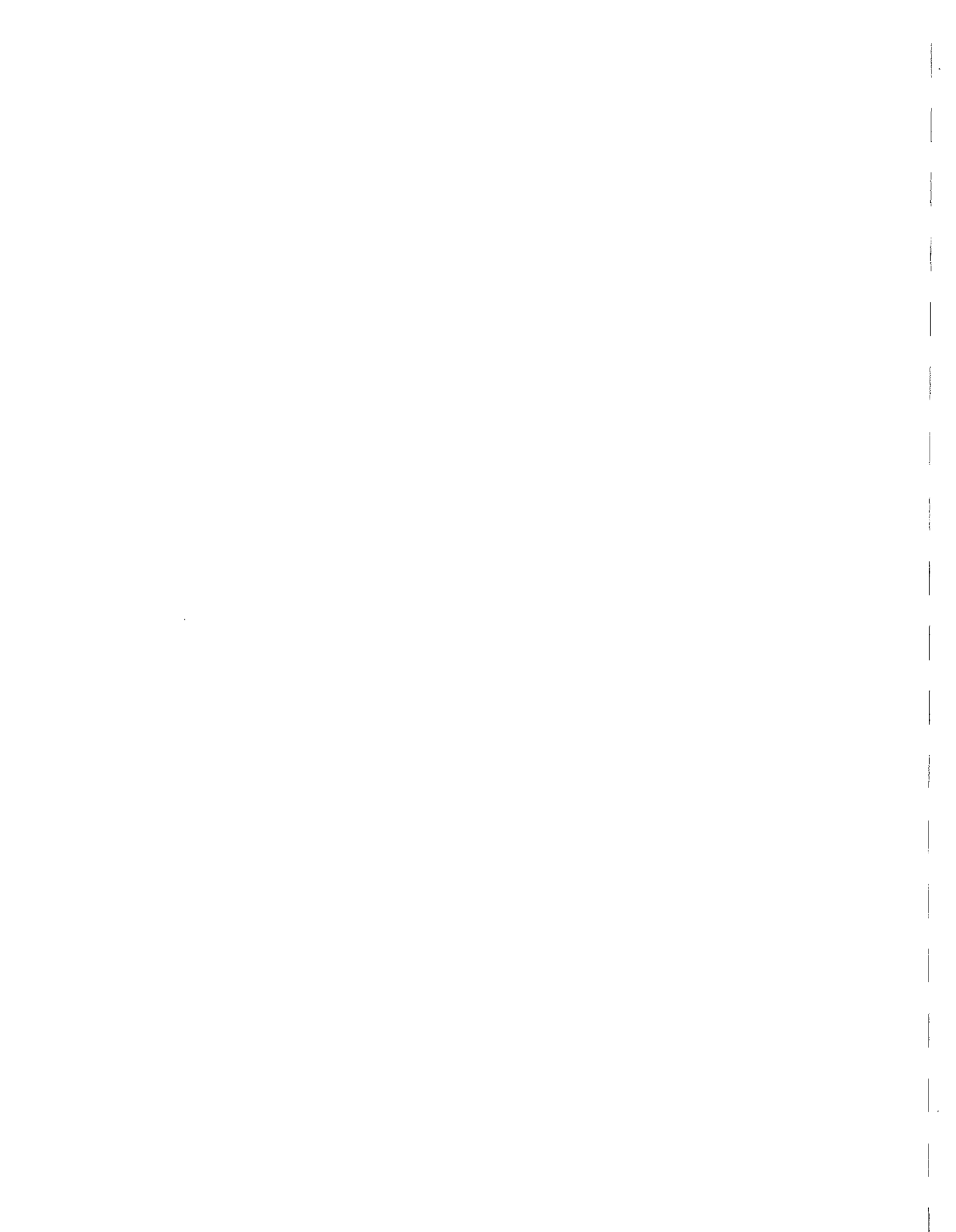
- a. The applicant shall be required to submit to the Township evidence of the need for the Communications Tower and that all alternatives have been exhausted to constructing the Communications Tower. **No Communications Tower shall be permitted in the CF, OS, RI, R2, C1 and FP Districts.** Applicants are required to prove need by:
 - (1) Providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, Communications Towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
 - (a) Planned equipment would exceed the structural capacity of the existing Communications Towers, buildings or structures, and existing Communications Towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or
 - (b) Planned equipment will cause interference with other existing or planned equipment for that Communications Tower, building or structure and the interference cannot be prevented at a reasonable cost; or
 - (c) Existing or approved Communications Towers, buildings or structures do not have the space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned; or
 - (d) Other reasons make it impractical to place the equipment by the applicant on existing and approved Communications Towers.
- b. No Communications Tower shall be permitted within Wheatfield Township that is of a height that would require attached lighting as required by standards of the Federal Aviation Administration (FAA). Other lighting shall be permitted in accordance with the provisions contained elsewhere in this Ordinance.
- c. Communications Towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.
- d. Communications Towers shall be no closer than one thousand (1,000) feet from another Communications Tower, such distance being measured as a horizontal distance from tower to tower.



- e. The applicant for a Communications Tower must execute an agreement with Township, in a recorded instrument legally sufficient to the Township, reviewed by the Solicitor, requiring the removal of the Communications Tower within one (1) year after the Communications Tower ceases to function as such. Removal of the Communications Tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.
- (1) Responsibility of Owner and Occupant of Premises for Removal: No person, firm, or corporation owning or occupying any property within Wheatfield Township shall permit, leave or cause to be left any Communications Tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one year period. A Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.
 - (2) Notice to Conform: Wheatfield Township is hereby authorized, and directed to give notice, by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Ordinance, and directing and requiring said owner or occupant to conform with the requirements of this Ordinance within 30 days after issuance of such notice.
 - (3) Violations and Penalties: In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Wheatfield Township may enter the premise and remove the Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by Wheatfield Township, from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit.
- f. A security fence and gate, of approved design, of not less than eight (8) feet, including barbed wire at the top, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
- g. The applicant shall submit a landscaping plan consisting of evergreen trees that will be planted around the perimeter of the security fencing. When mature these trees will form a visual barrier that will completely shield the security fencing, except for the access gate.



- h. A minimum of one (1) parking space shall be required. Spaces shall meet requirements of this Ordinance. Parking spaces may be surfaced with a durable and dustless gravel surface.
- i. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street, or a private right-of-way twenty (20) feet in width that shall be improved to a width of at least twelve (12) feet.
- j. Internal access to the Communications Tower shall be provided by a minimum twelve (12) foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of thirty-five (35) feet from the centerline of any public street. The length of the driveway beyond this thirty-five feet shall, at a minimum, be surfaced with durable and dustless gravel.
- k. Communications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
- l. The Communications Equipment Building shall be identified as an accessory building, and the applicable regulations for the host-zoning district shall apply.
- m. Guy wires, if utilized, may not be anchored in any minimum building setback area of the zoning district in which the tower is located. Guy wires shall not cross or encroach any overhead telephone or electric power lines.
- n. Tower height shall be measured from the average grade around the foundation of the tower to the top of the tower, including the height of any antenna or other device that may be located on top of the tower.
- o. A security gate shall be installed a minimum of twenty (20) feet from the ultimate required right-of-way of the public or private right-of-way.
- p. The applicant shall be required to have control over any land that is within a required setback area of this Ordinance. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the solicitor.
- q. The applicant shall submit a copy of its current Federal Communications Commission license: the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- r. No Communications Tower shall be located closer than five hundred (500) feet from any existing structure, playground, ballfield or other area used for active or passive recreation within a municipal park or school.



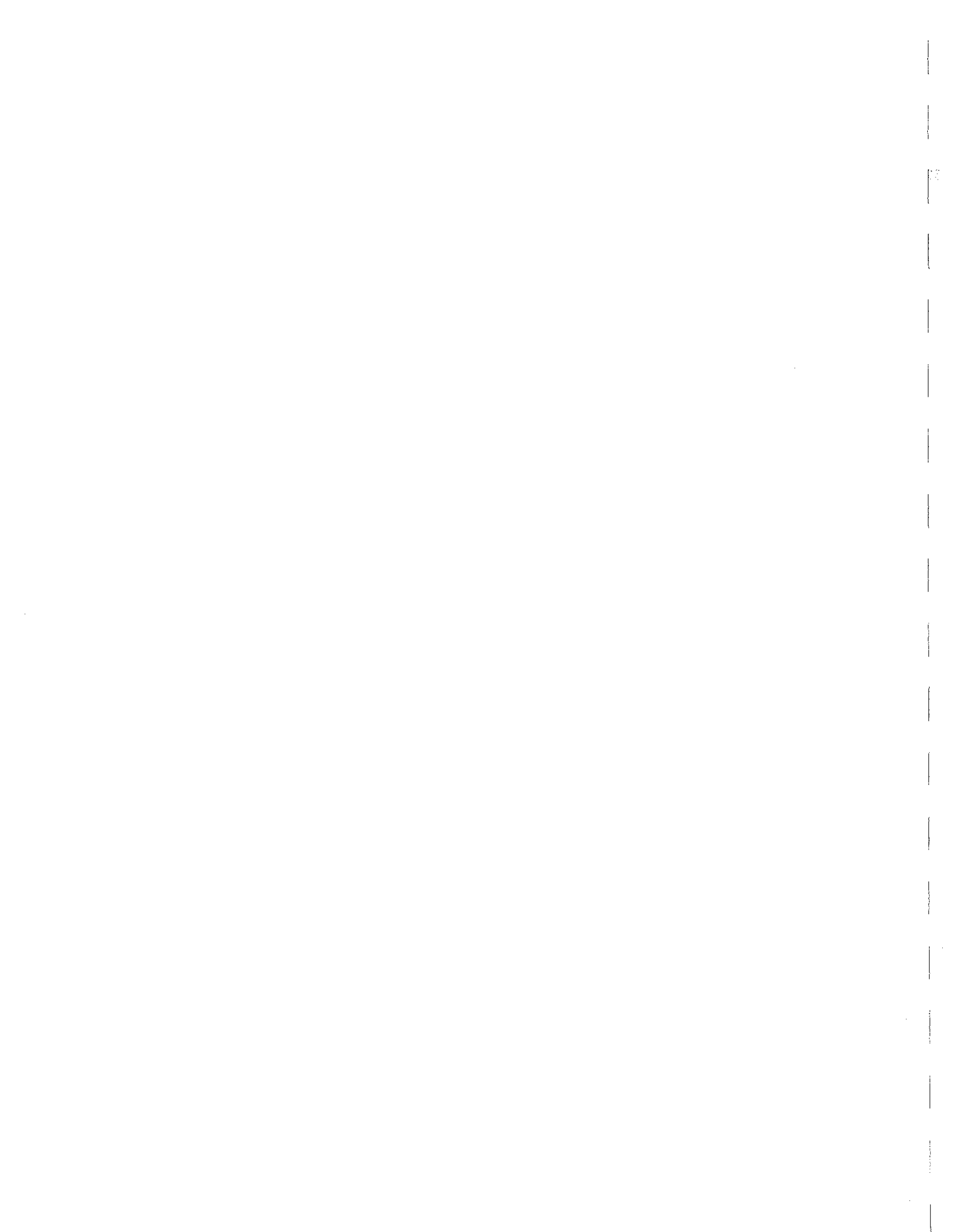
3. Bonding

The Township Supervisors, at their sole discretion, may require the applicant or owner to establish, as a condition of approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installment, inspection, maintenance and/or construction of the antenna, antenna support structure and accessory structures of buildings during its/their lifetime and in an amount sufficient to remove the antenna support structure if said structure is no longer in use for its original communication purpose. The amount required shall be determined at the sole discretion of the Township Supervisors based upon the unique characteristics of the antenna, support structure and accessory structures or buildings.

4. Inspection

Beginning in December of the tenth (10th) year after the construction of any antenna support structure and by December of each even numbered year thereafter, and at any time a new carrier antenna is added, the antenna support structure shall be inspected by an expert selected by the Township. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures". A copy of said inspection report shall be provided to the Township. The owner of the antenna support structure shall within thirty (30) days of being billed pay the full cost of each inspection to the township. Should the owner fail to pay such bill, the Township may:

- A. Collect said sum by legal action.
- B. Collect said sum through municipal lien/claim
- C. Collect said sum from the bond provided to the Township under § 1 above
- D. Declare the support structure to be in violation of this ordinance and direct that the structure be removed
- E. Pursue any other remedy which may be available at law or equity
- F. The ten- (10) year period before inspection begins can be modified or removed altogether. Similarly, the once every two- (2) year schedule could be reduced to annually.



5. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in an Agricultural/Residential, Commercial, and Industrial District:

In addition to the conditions stated in Subsection 1 and 2, the following conditions shall also apply:

- a. Setbacks shall be no less than one hundred percent of the tower height from adjacent property lines and public road right-of-way lines. Such distance shall be measured in a straight line from the Communications Tower to the appropriate line.

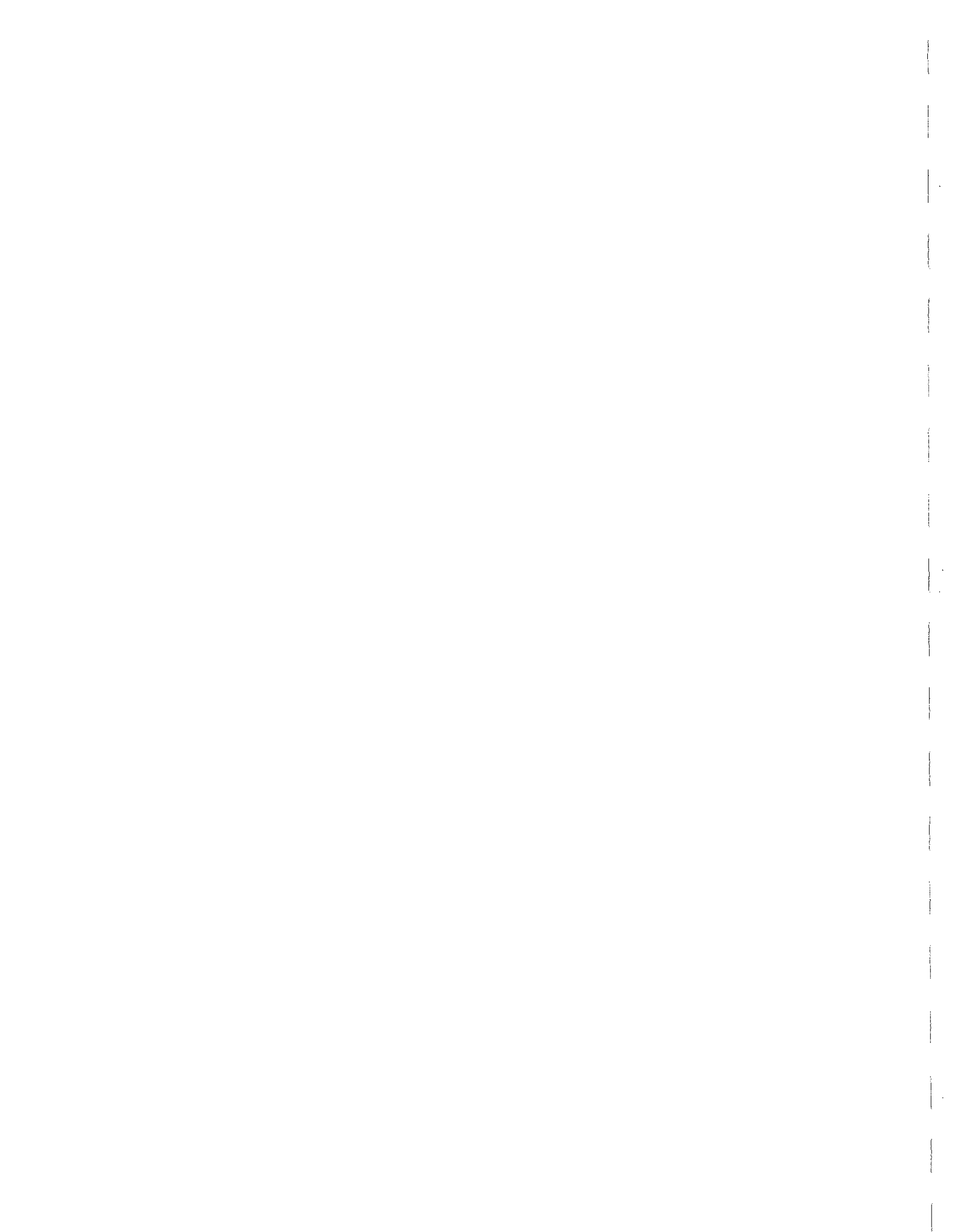
6. General Requirements for Co-Location of Facilities

The applicant for the Co-Location of Facilities shall be required to submit a Building/Zoning Permit application for approval along with a tower structural capacity report, which shall include an analysis of the tower and foundation.

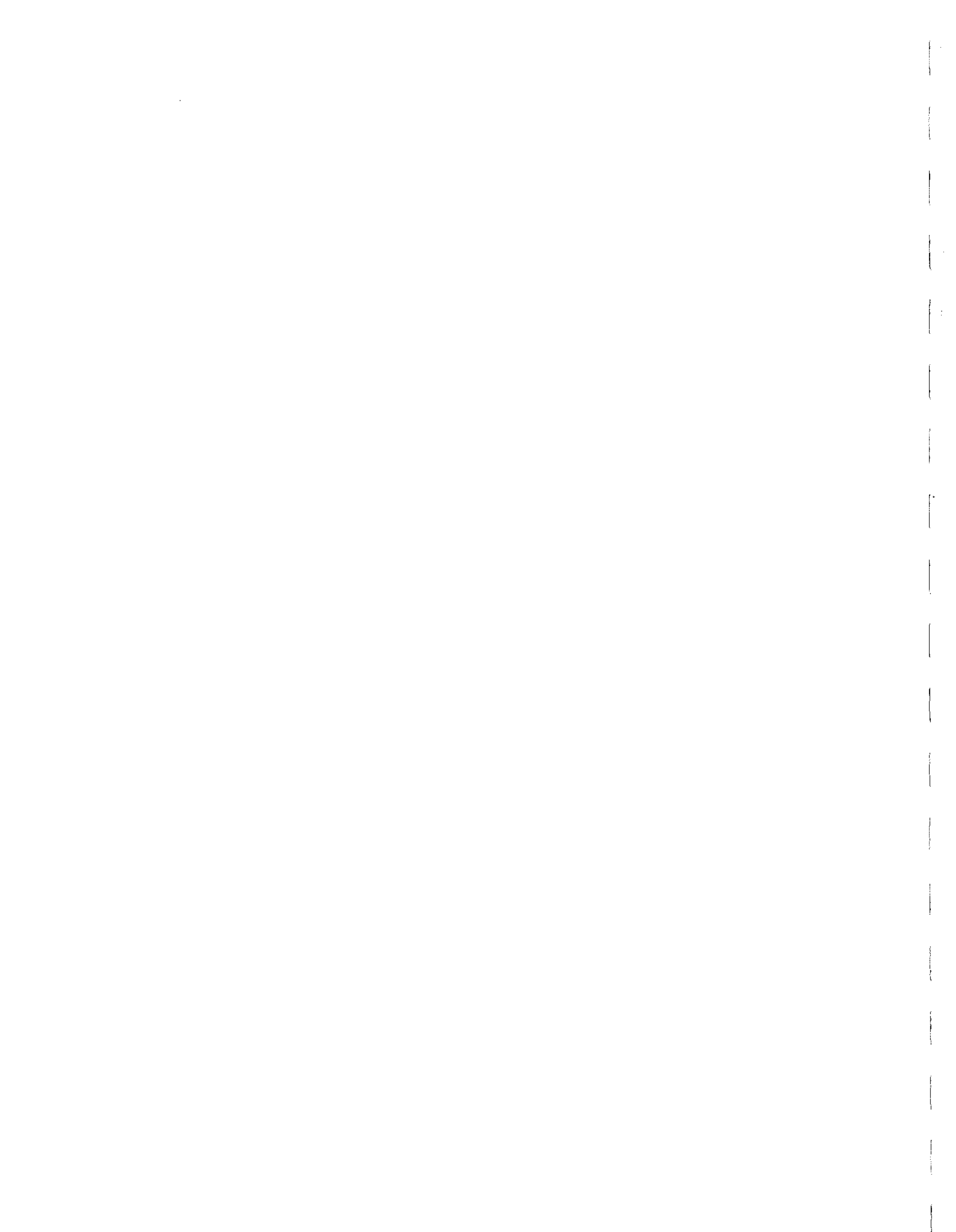
SECTION: 30. Article XIV, GENERAL REGULATIONS shall be amended by adding Section 1402.AG as follows:

1402.AG. Farm Animals

1. Farm animals are permitted in the Conservation Forest, Open Space, Agricultural/Residential, and R-1 Districts subject to the following guidelines:
 - a. The property owner or property leasee with written permission of the property owner owns such animals.
 - b. The maximum number of animals permitted on a property shall not exceed two (2) animal equivalent units (AEU) per acre of land. The number of AEUs per acre shall be calculated by dividing the total number of AEUs by the total number of acres of land of the lot, ~~minus the required minimum lot area~~. For purposes of this Ordinance, one (1) animal unit is equivalent to one thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. In determining live weight of livestock, the Standard Weight in Pounds During Production Range developed by the State Conservation Commission shall be used.
 - c. The pasture area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all such animals. The pasture area shall not be permitted to encroach on any street right-of-way.
 - d. The location of barns and animal shelter(s) shall be located within the pasture area and no closer than one hundred (100) feet from any property line.
 - e. The storage of manure shall be located within the pasture area and no closer than one hundred (100) feet from any property line.



- f. If the type of farm animal is not listed in the Standard Weight in Pounds During Production Range table developed by the State Conservation Commission, the Pennsylvania Department of Agriculture shall be consulted to assist in determining the Standard Weight in Pounds.
 - g. Existing non-conforming barns constructed prior to the adoption date of this ordinance amendment shall be exempt from subsection "d" above. Expansion of non-conforming barns shall be permitted to expand under the provisions of Article XV of the Zoning Ordinance.
2. Farm animals, when part of a 4H project, school project, or when used as an educational tool, may be permitted in the Conservation Forest, Open Space, Agricultural/Residential, and R-1 Districts subject to the following guidelines:
- a. The property owner or property leasee with written permission of the property owner owns such animals.
 - b. The maximum number of animals permitted on a property shall not exceed two (2) animal equivalent units (AEU) per acre of land. The number of AEU's per acre shall be calculated by dividing the total number of AEU's by the total number of acres of land of the lot. For purposes of this Ordinance, one (1) animal unit is equivalent to one thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. In determining live weight of livestock, the Standard Weight in Pounds During Production Range developed by the State Conservation Commission shall be used.
 - c. The pasture area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all such animals. The pasture area shall not be permitted to encroach on any street right-of-way.
 - d. The location of an animal shelter shall be located within the pasture area and be no closer than the required building setbacks for a principal building for the zoning district in which it is located. Animal shelters shall not be located in front of the dwelling.
 - e. The storage of manure shall be located within the pasture area and no closer than one hundred (100) feet from any property line.
 - f. If the type of farm animal is not listed in the Standard Weight in Pounds During Production Range table developed by the State Conservation Commission, the Pennsylvania Department of Agriculture shall be consulted to assist in determining the Standard Weight in Pounds.



Section: 31. Article XIV, GENERAL REGULATIONS shall be amended by modifying Section 1409 as follows:

Section 1409 – Fences and Walls

A. Fences and walls may be erected, altered, and maintained within the yards subject to the following height requirements:

1. Any such solid fence or wall in the front yard shall not exceed four (4) feet in height. Fences that can be seen through (ie. chain link and split rail) shall not exceed six (6) feet in height. However, in no case shall a solid fence or see through fence exceed three (3) feet in height in the seventy-five feet sight triangle as required in Section 1408.B.

Section: 32. Article XIV, GENERAL REGULATIONS shall be amended by adding Section 1422 as follows:

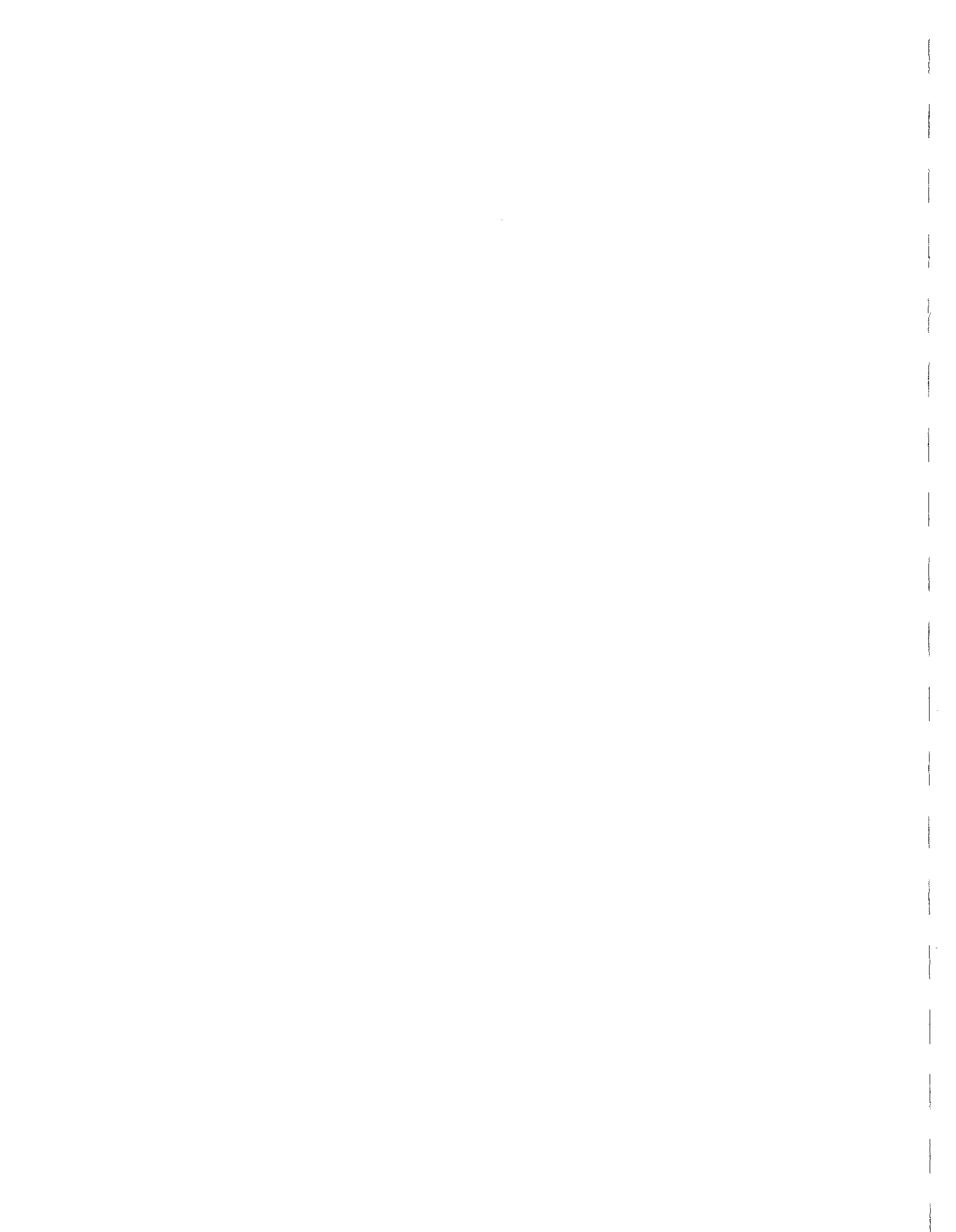
Section 1422 – SCHOOL BUS SHELTER

- A. School Bus Shelters shall be permitted to be constructed in the front yard of all districts.
- B. School Bus Shelters shall be a minimum distance of ten (10) feet behind the right-of-way line on the subject property.
- C. School Bus Shelters shall have a maximum size of 8x8x8 in size.
- D. School Bus Shelters shall be removed when no longer used as a Shelter.

Section: 33. Article XIV, GENERAL REGULATIONS – shall be amended by adding Section 1423 as follows:

Section 1423 – ACCESSORY BUILDINGS

- A. No accessory building shall be permitted in the front yard setback.
- B. Accessory buildings shall be permitted to extend into side or rear yards, buy shall not be closer then ten (10) feet to the side or rear property line.
- C. An accessory building for a residential use shall not exceed thirty (30) feet in height.
- D. For residential use, the total building area of all accessory buildings shall not exceed more than twenty (20) percent of land coverage.
- E. No accessory building shall be used for human habitation or living quarters.



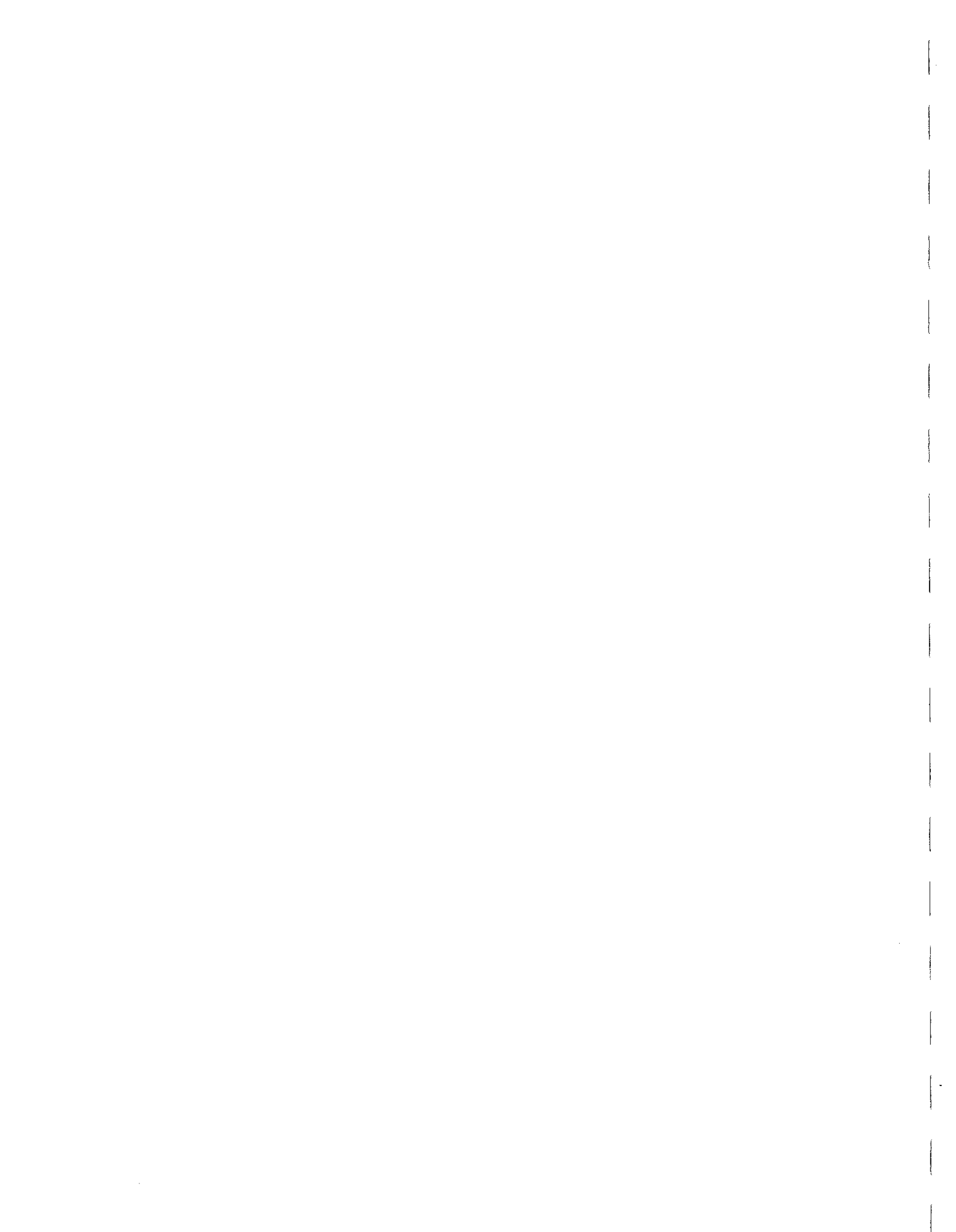
Section: 34. Article XVII – MOTOR VEHICLE ACCESS all of section XVII shall be replaced and/or amended as follows:

Section 1701 – General

- A. Design and construction of access drives and/or driveways shall comply with the regulations of this Ordinance and the Township Subdivision and Land Development Ordinance.
- B. Wherever motor vehicle access is provided from a public and/or private street and/or road onto a parcel, the following regulations shall apply:

Section 1702 – Driveways Criteria

- A. Single-family residential driveways shall be located a minimum of three (3) feet from any property line except as set forth in Paragraph 1 below. The minimum width at the street right-of-way line shall be ten (10) feet, and the maximum width at the street right-of-way shall be twenty (20) feet. There shall be no more than one driveway per dwelling. The Board of Supervisors may, as a conditional use, authorize the installation of a second driveway if the applicant for such a driveway demonstrates that the width of the lot at the street right-of-way exceeds one hundred and fifty (150) feet and the conditions exist which warrant the installation of the second driveway.
 - 1. Shared or joint driveways may be permitted and are encouraged on high volume roadways and areas in which access, visibility, and topography may present difficulties. Shared or joint driveways shall be limited to use by two adjoining single family residential lots, and the shared or joint driveway shall be considered the single driveway permitted for each lot. Whenever possible, a shared or joint driveway shall equally straddle the property line. All shared or joint driveways shall have a minimum width of twenty (20) feet at the street right-of-way line and a maximum width of twenty-eight (28) feet at the street right-of-way line. A right-of-way and maintenance agreement for such shared or joint driveway shall be submitted for approval of the Township prior to the issuance of a permit for such installation.
- B. Nonresidential and multi-family residential driveways shall be located a minimum of ten (10) feet from any property line except as set forth in Paragraph 1 below. The minimum width at the street right-of-way shall be twelve (12) feet, and the maximum width at the street right-of-way shall be twenty-four (24) feet. There shall be no more than one driveway per street frontage unless an emergency access is required by the provisions of the Township Subdivision and Land Development Ordinance, in which case one additional driveway shall be permitted in order to fulfill emergency access requirements. The Board of Supervisors may, as a conditional use, authorize the installation of a second driveway on a street frontage if the applicant for such driveway demonstrates that the width of the lot at the street right-of-way line exceeds one hundred and fifty (150) feet.



1. Shared or joint driveways may be permitted and are encouraged on high volume roadways and areas in which access, visibility, and topography may present difficulties. Shared or joint driveways shall be limited to use by two adjoining nonresidential or multi-family residential lots, and the shared or joint driveway shall be considered the single driveway permitted for each street frontage. Whenever possible, a shared or joint driveway shall equally straddle the property line. All shared or joint driveways shall have a minimum width of twenty (20) feet at the street right-of-way line and a maximum width of thirty-five (35) feet at the street right-of-way line. A right-of-way and maintenance agreement for such shared or joint driveway shall be submitted for approval of the Township prior to the issuance of a permit for such installation.

C. General Driveway Requirements

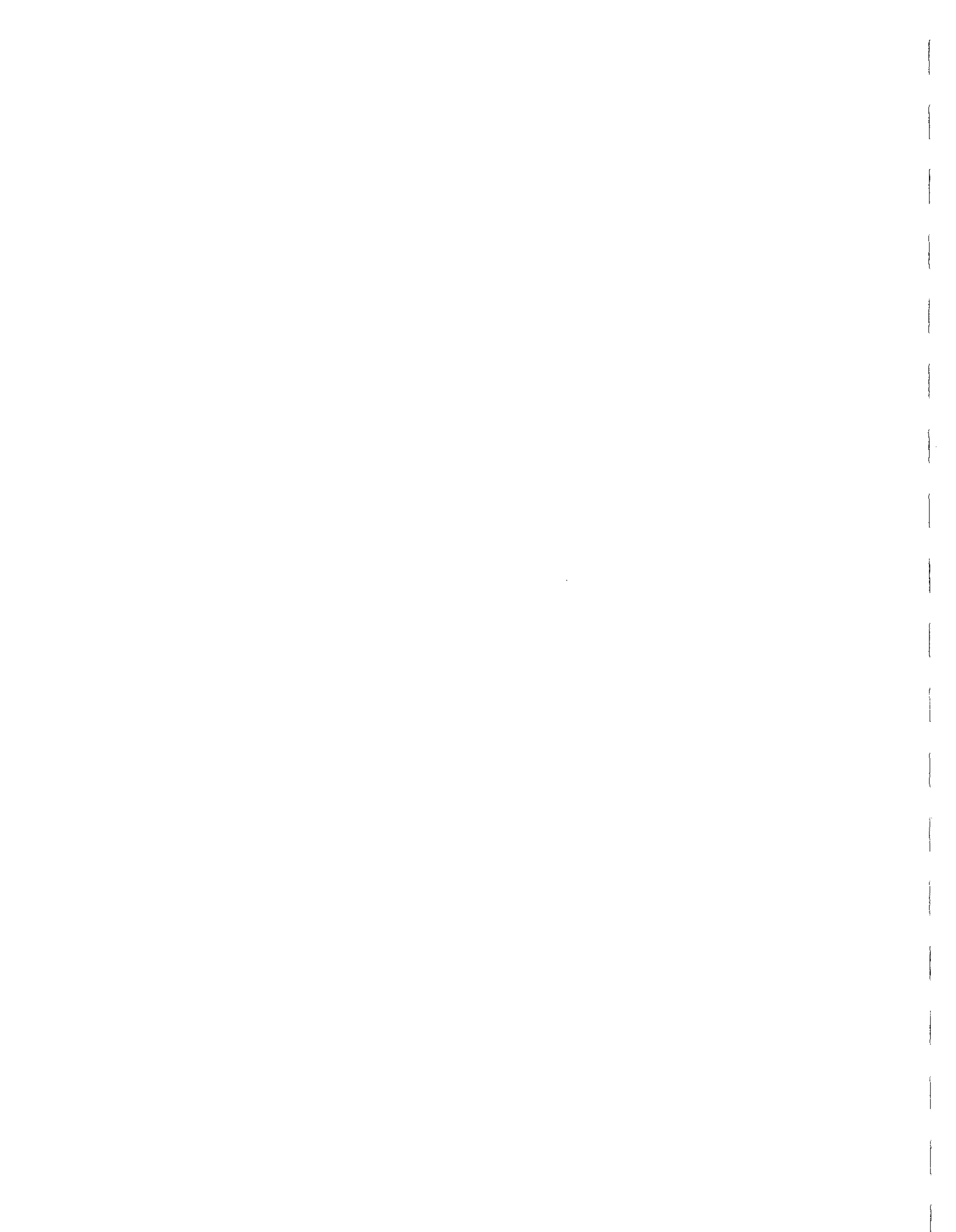
1. All required sight distance at the intersection, intersecting access grades and required separation distance to existing intersections, etc. shall comply with all provisions set forth in the Wheatfield Township Subdivision and Land Development Ordinance, Section 401.
2. For each commercial driveway, the drive shall be paved from the right-of-way line to the edge of pavement of the intersecting public and/or private street with 1½" ID-2 Wearing Course, 4" Bituminous Concrete Base Course on 8" Crushed Aggregate Base Course.
3. The alignment of the driveway alignment shall be measured at right angles to the centerline of the intersecting public and/or private street. The entire paving of the driveway radius shall fall within the right-of-way.
4. All drainage shall be directed away from the intersecting roadway. No driveway drainage will be allowed to enter onto the intersecting roadway cartway.

Section 1703 – Plan Requirements

- A. A scale drawing of proposed access drive shall be submitted as part of the required plot plan. The plan shall include the following:
 1. Scaled plot plan.
 2. Profile of driveway intersecting the public and/or private street.
 3. Required sight distances, drainage, distance to existing intersection and/or driveways.

Section 1704 – Location of Gasoline Pumps

Gasoline pumps and all other service equipment shall be setback not less than twenty-five (25) feet from any lot or right-of-way line and shall be so positioned that vehicles stopped for service will not extend over any such setback lines.



Section: 35. Section 401D.3.b of the Wheatfield Township Subdivision and Land Development Ordinance shall be amended as follows:

- b. Sight distance at the intersection of a proposed street and an existing township street measured from the point of intersection three and one half (3.5') feet above the centerline of the roadway shall be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Collector	400'
Minor	200'

Section: 36. Section 401.D.5 of the Wheatfield Township Subdivision and Land Development Ordinance shall be amended as follows:

5. Sight Distance -

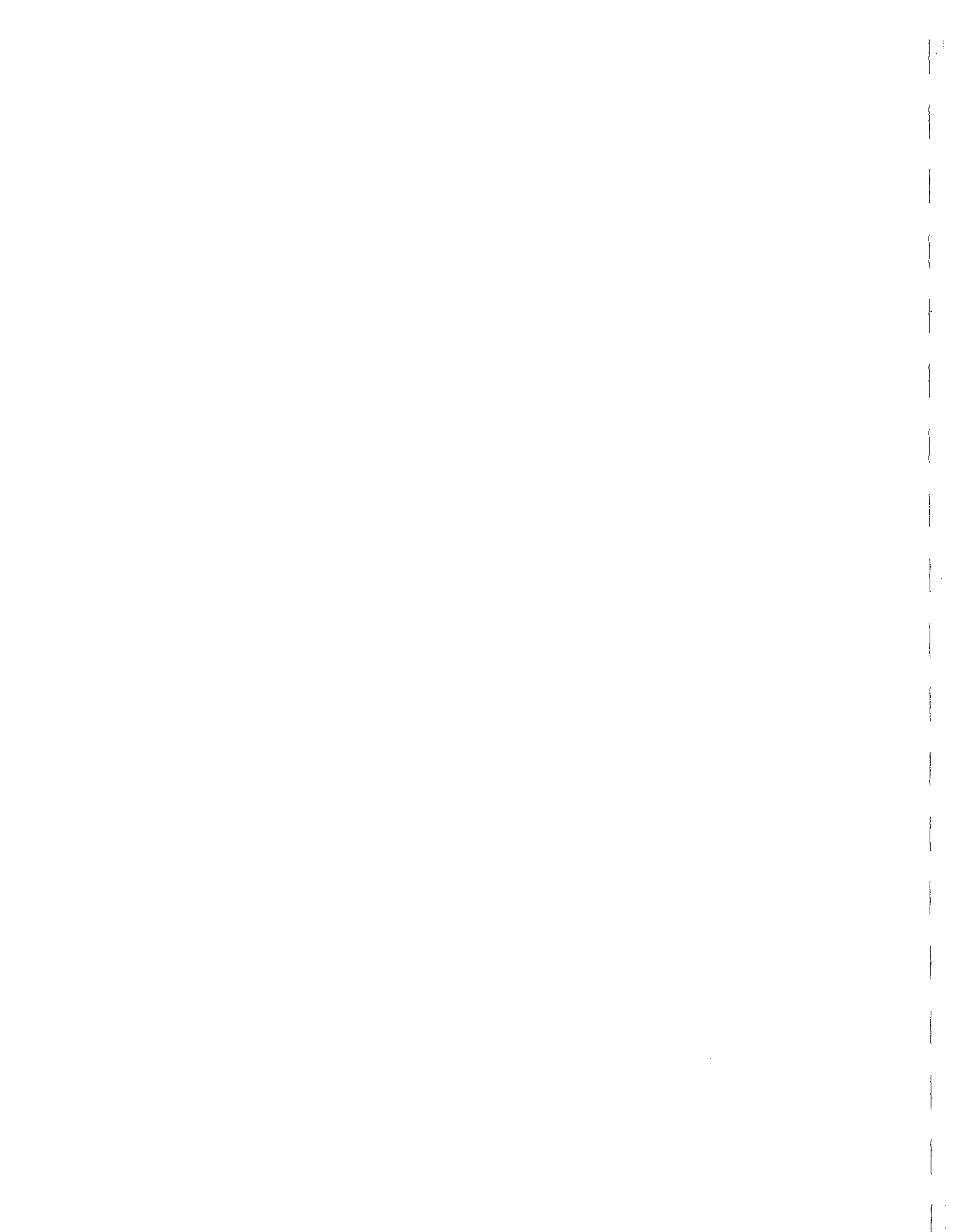
Sight distance must be provided with respect to both horizontal and vertical alignment measured along the centerline three and one half (3.5) feet above grade. The sight distance must be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	Based on PENN DOT criteria considering classification and design speed.
Collector	Four hundred (400') feet
Minor	Two hundred (200') feet

Section: 37. Section 1904 of the Wheatfield Township Zoning Ordinance shall be amended by adding the following new Section:

F. Exemptions to Obtaining a Building Permit

The Wheatfield Township Board of Supervisors recognizes that not all-building projects have an impact on the Township. The advent of pre-constructed and kit structures have led to well built, low priced buildings that can be delivered in place or constructed by homeowners at minimum costs. As such, The Board of Supervisors has set by Resolution an appropriate dollar figure that exempts the property owner from obtaining a building permit; however, in no case shall the exemption apply to obtaining the necessary Zoning Permit and complying with all aspects of the Wheatfield Township Zoning Ordinance.



Section: 38. Section 202 of the Wheatfield Township Subdivision and Land Development Ordinance shall be amended by adding the following definitions:

COMMUNITY WATER SYSTEM - Any water system meeting the definition of the term Community Water System established by DEP other than a water system owned and operated by a governmental body, municipal authority, or a public utility regulated by the Pennsylvania Public Utility Commission.

DCNR - Pennsylvania Department of Conservation and Natural Resources.

DEP - Pennsylvania Department of Environmental Protection.

EPA - United States Environmental Protection Agency.

PERSON - Any individual, partnership, company, association, society, corporation or other legally recognized entity and the members of such association or partnership and the officers of such corporation.

PUBLIC WATER SYSTEM - A water supply and distribution system operated by a municipality, municipal authority, or utility regulated by the Pennsylvania Public Utility Commission.

TRACT - All land that is the subject of a Development, whether initially or cumulatively, and whether comprised of one or more lots of record.

Section: 39. Article IV of the Wheatfield Township Subdivision and Land Development Ordinance shall be amended by adding the following new sections:

412. Applicability.

- A. All residential subdivisions or residential land development proposing five or more lots and/or units whether initially or cumulatively, as of the effective date of this Ordinance.
- B. All non-residential land development.

413. Connection to Public Water System or Provision of Community Water System.

- A. All Development which falls under Section 412 above shall be served by public water if the Board of Supervisors determines that public water is available.
 - (1) If connection to an existing public water system is proposed, the applicant shall submit an agreement committing the public water provider to provide such water as the Development will utilize for such period of time and under such terms and conditions as the public water provider provides water service elsewhere in its service area.



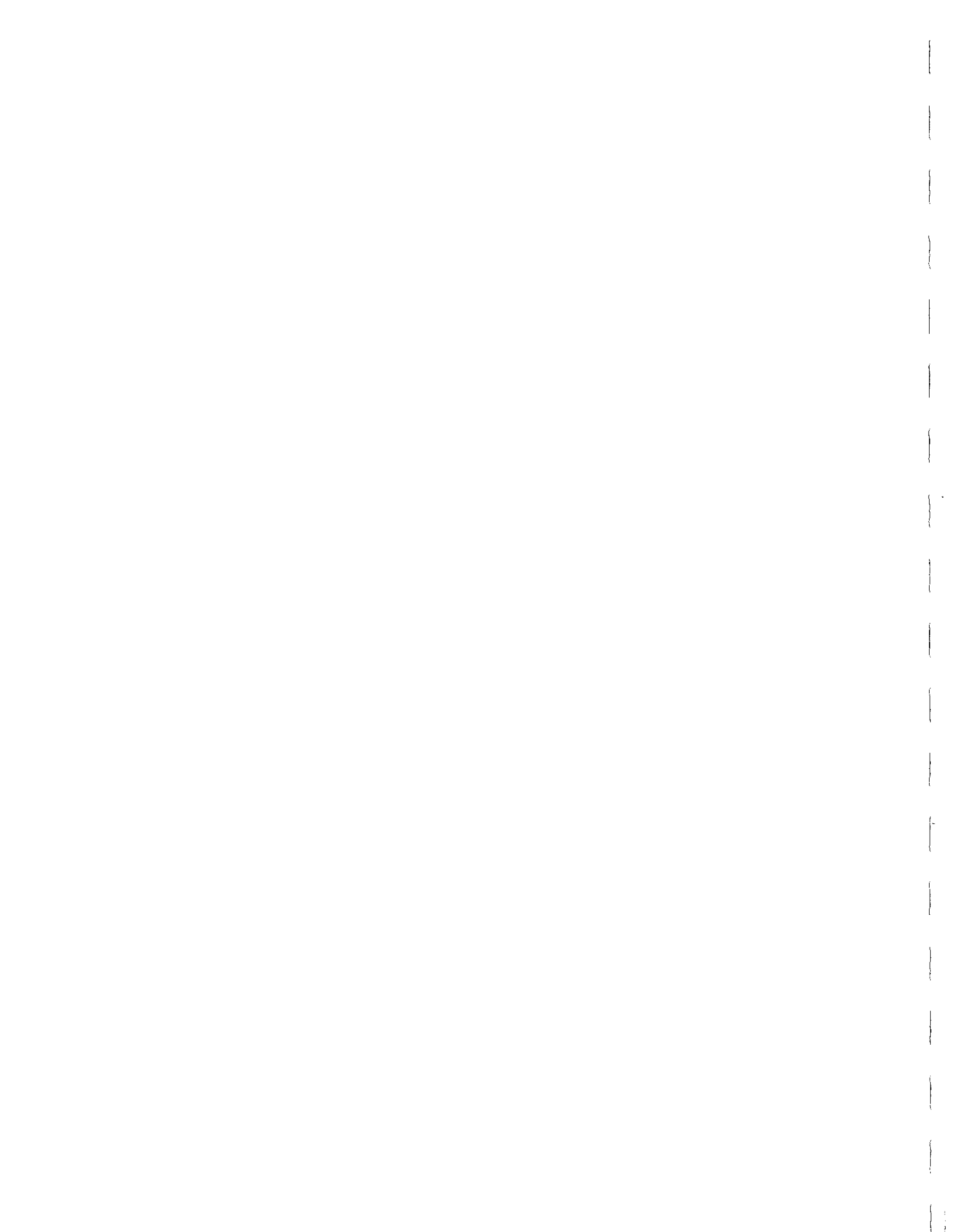
- B. In all cases the applicant shall demonstrate that the water to be supplied shall be potable and shall meet all applicable standards of DEP or the EPA.
- C. If applicant proposed to serve the Development with a community water system, the applicant shall demonstrate that the community water system shall be in compliance with all requirements of this Article, the Subdivision and Land Development Ordinance, and the DEP.

414. Minimum Requirements for Water Supply.

If the applicant proposes to serve the Development by means of a water supply system using water obtained from the Tract (irrespective of whether that water is being distributed as a part of a community water supply system or individual wells), that water supply source may be utilized only when the Report establishes, and the engineer performing the study to support the Report certifies, that the water supply will provide the required yield and demand, and that withdrawal rates and amounts shall be managed to balance natural recharge rates and amounts on a site-specific basis to insure that the potential of interference with adjacent properties is minimized.

415. Requirements for Water Service Feasibility Report.

- A. An applicant shall contact the Township before beginning preparation of the Report and shall submit an application to file a water service feasibility report. Such application shall be accompanied by the filing fee established by ordinance or resolution. The application shall at a minimum state:
 - (1) The professional engineer and/or professional geologist who will prepare the Report.
 - (2) The Tract which will be developed and the nature and extent of the proposed Development.
 - (3) The scope and the method of analysis of the study and testing data prior to initiating the study necessary to prepare the Report.
- B. The Township Engineer shall approve the scope and the method of analysis of the study and testing data. The applicant shall reimburse the Township for all costs incurred by the Township Engineer in meeting with the applicant and reviewing the application.
- C. The Applicant shall present the completed Report and all supporting data to the Township before approval of the preliminary plan or, if the Subdivision Ordinance does not require submission of a preliminary plan, with the application for approval of a final plan.
- D. The Township Engineer shall review the Report to determine if it contains all information this Article requires. If the Report is incomplete, the Township Engineer shall reject the Report and inform the applicant of the deficiencies in writing. The applicant may resubmit the Report after addressing the Township Engineer's comments or may appeal the determination of the Township Engineer to the Board of Supervisors. The applicant shall reimburse the Township for all



costs of the Township Engineer in meeting with the applicant, analyzing the Report, and presenting information to the Township Planning Commission and Board of Supervisors.

E. The Applicant shall include the following data, presented in tabular form, for all existing wells within a one-quarter mile ($1/4$) miles radius of the Tract as provided by the Water Well Inventory maintained by DCNR Bureau of Topographic and Geologic Survey as part of the Report:

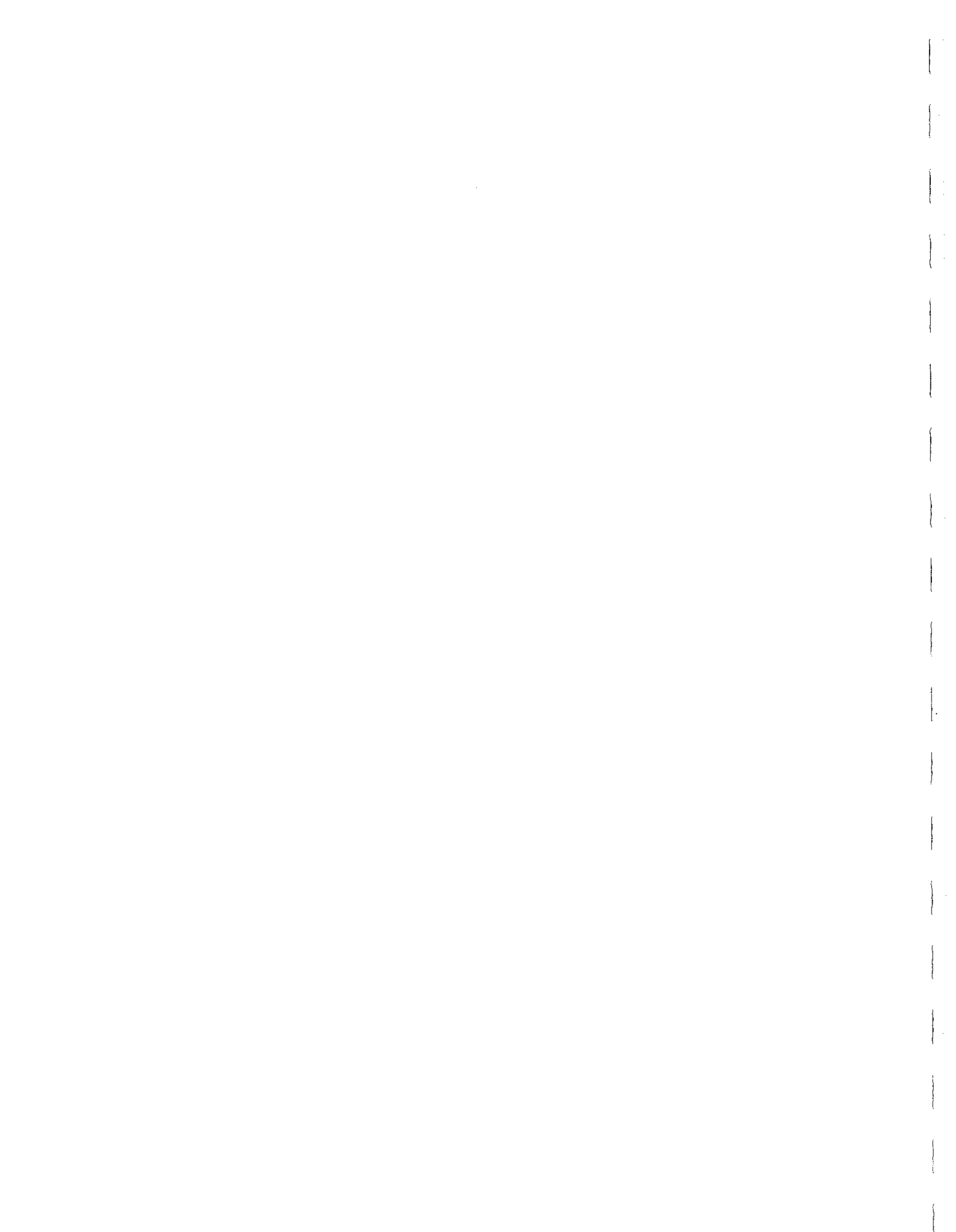
- (1) Pennsylvania Well Identification number.
- (2) Date Drilled.
- (3) Latitude and Longitude.
- (4) Current street address.
- (5) Well Depth.
- (6) Static Water Level.
- (7) Well Yield.
- (8) Yield Measure Method.
- (9) Length of Yield Test.

F. Minimum Residential Yield/Demand Requirement. The minimum acceptable yield and demand for residential units shall be three hundred fifteen (315) gallons per day per unit of residential occupancy at a demand rate of not less than two (2) gallons per minute for one (1) hour, either with or without the use of a storage system. The Report shall demonstrate that the water source can supply this yield and that the water so supplied will be potable.

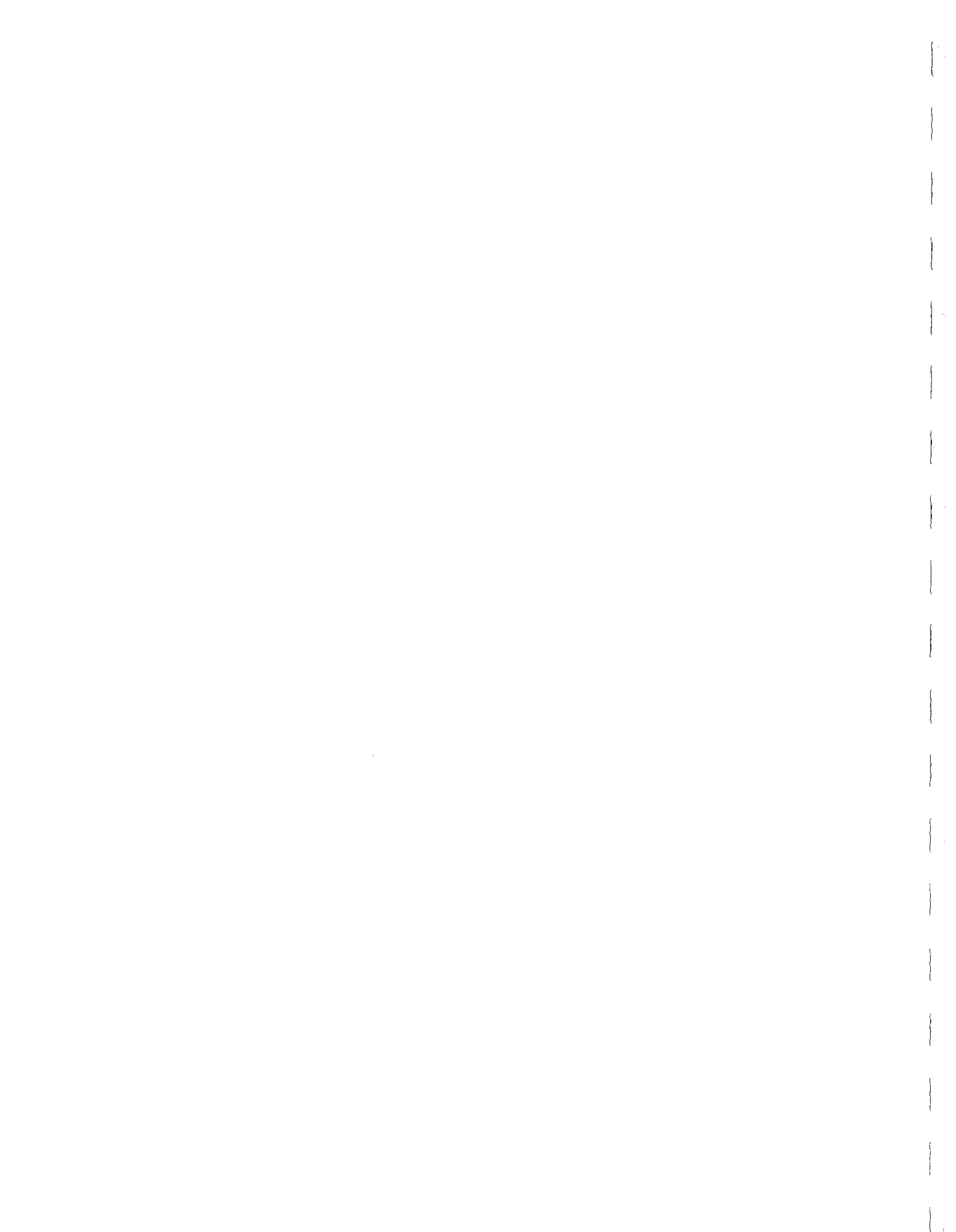
G. Minimum Principal Non-Residential Yield/Demand Requirement. The minimum acceptable yield and demand for non-residential units shall be four hundred (400) gallons per day per unit of non-residential occupancy at a demand rate of not less than four (4) gallons per minute for one (1) hour, either with or without the use of a storage system. The Report shall demonstrate that the water source can supply this yield and that the water so supplied will be potable.

H. The Report shall contain a drawdown/well interference analysis as follows:

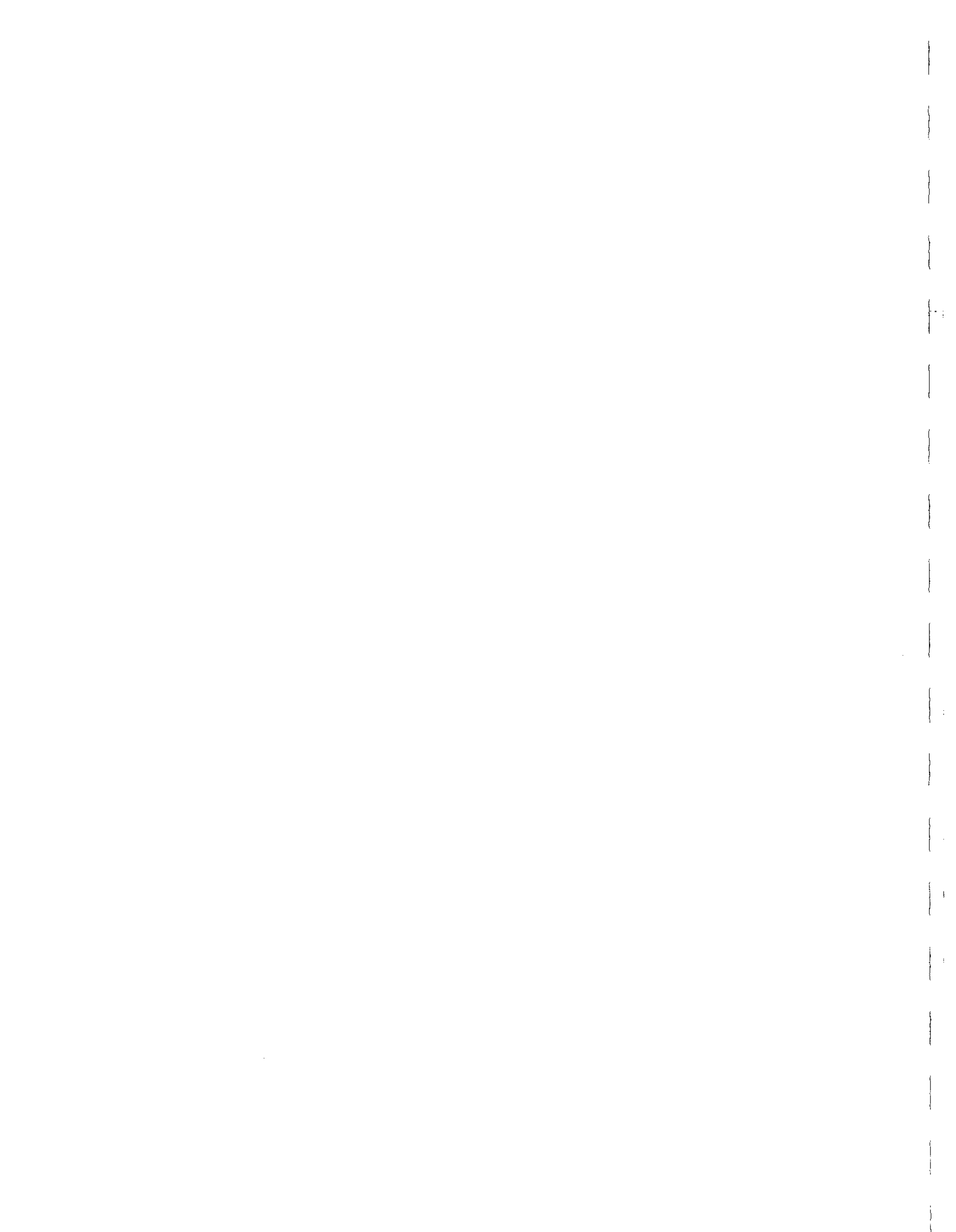
- (1) For any Development proposing five (5) to ten (10) lots or dwelling units, either initially or cumulatively as of the effective date of this Ordinance, the report may be prepared using available reference information and data or may be prepared by on-site testing and observation.
- (2) For any Development proposing eleven (11) or more dwelling units, including remaining lands, either initially or cumulatively as of the effective date of this Ordinance, the report shall be prepared using on-site testing and observations.



- (3) A drawdown/well interference report shall be prepared for all non-residential Developments proposing water consumption of four hundred (400) gallons per day, either initially or cumulatively, as of the effective date of this Article.
- (a) For non-residential Developments proposing more than four hundred (400) gallons per day, but less than one thousand two hundred (1,200) gallons per day, either initially or cumulatively as of the effective date of this Article, the Report may be prepared using available reference information and data, or may be prepared by on-site testing and observation.
 - (b) For non-residential Developments proposing one thousand two hundred (1,200) or more gallons per day, either initially or cumulatively as of the effective date of this Article, the Report shall be prepared using on-site testing and observations.
 - (c) For those Tracts for which the drawdown/well interference report was prepared by using available reference information and data (as opposed to onsite testing and observation), and the Report indicates that the yield or demand will be within twenty five (25 %) percent of the minimum requirements as provided above, the applicant shall be required to install the well(s) and demonstrate that the supply is capable of meeting the yield and demand requirements prior to the application for any permits authorizing any construction upon the Tract.
 - (d) The on-site testing and observations as required above shall be accomplished by at least one (1) pumped well and at least two (2) observation wells which have hydraulic continuity with the pumped well(s).
 - (e) The Report shall demonstrate that the groundwater recharge on the specific tract will exceed the anticipated water withdrawal during a one (1) in ten (10) year drought or a forty (40%) percent below normal reduction in precipitation for recharge based upon the following:
 - (i) The area available for recharge shall be based upon post-developed impervious conditions.
 - (ii) The recharge rate may include estimated recharge from on-lot sewage disposal systems.
 - (iii) The recharge rate shall include an analysis of the impact of the post developed storm water management system.



- (iv) The recharge rate may include estimated recharge from storm water management infiltration facilities based upon a forty (40%) percent reduction in precipitation.
- (f) For residential Developments, the water withdrawal rate shall be based upon a rate of three hundred fifteen (315) gallons per day per three- (3) bedroom dwelling.
 - (i) The water withdrawal rate shall be increased by ninety (90) gallons per day for each additional bedroom over three (3) bedrooms.
- (g) Commercial, industrial, agricultural or any other non-residential Development water withdrawal rates shall be calculated by increasing the DEP sewage flows as provided Pennsylvania Code Title 25, Environmental Protection, Chapter 73, Standards for Sewage Disposal, Section 73.17, Sewage Flows, by twenty (20%) percent.
 - (i) The Report shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.
- (h) Water withdrawal rates for all other uses not provided for by the above shall be based upon the maximum anticipated peak demand increased by twenty (20%) percent.
 - (i) The Report shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.
- (i) The applicant shall develop a preliminary groundwater computer model to produce a plot of the anticipated drawdown within the groundwater system to demonstrate that the installation of the proposed water system(s) will not lower the groundwater table in the area so as to endanger or decrease the water supplies necessary for any existing or potential use(s) upon properties adjacent to the proposed project.

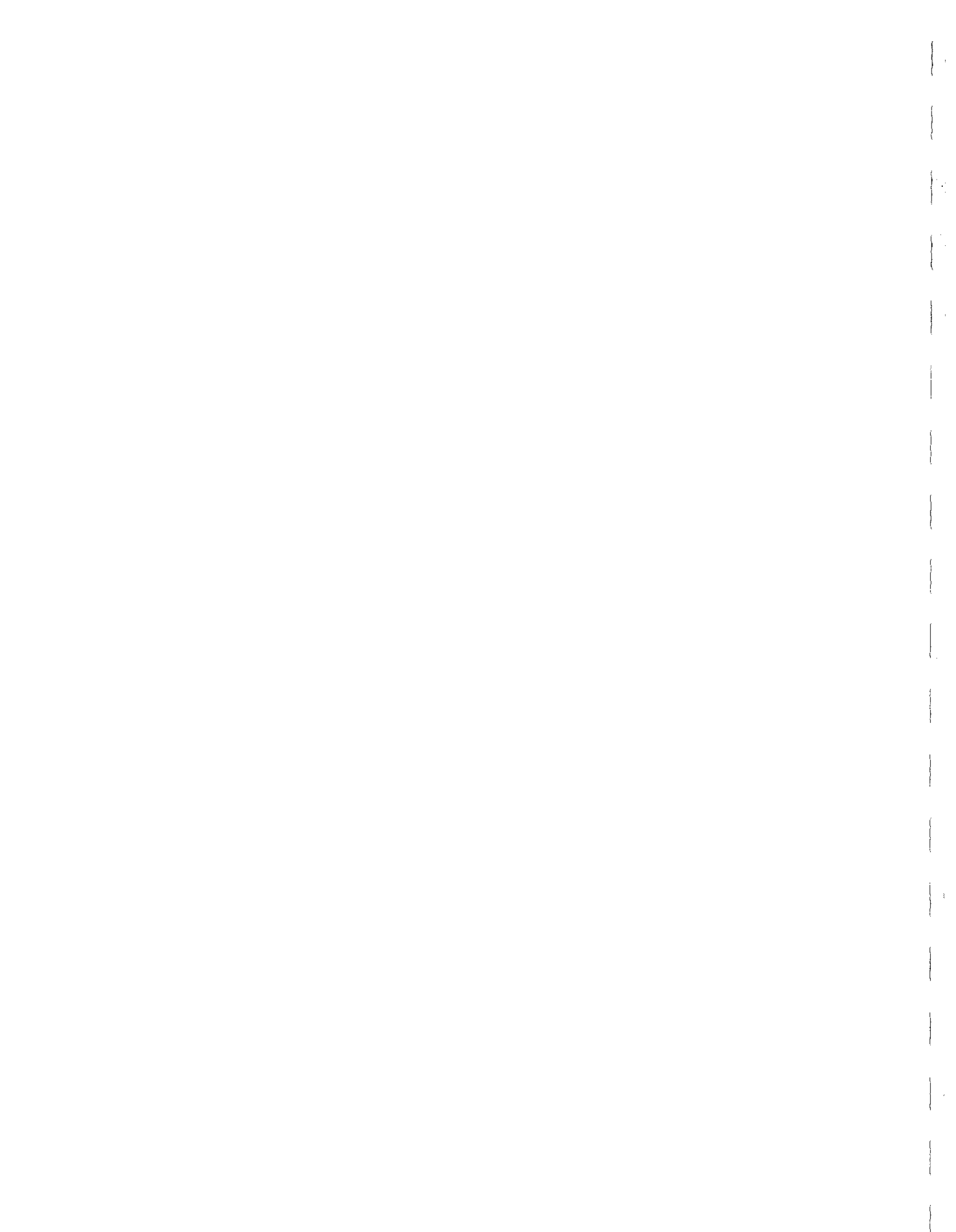


416. Review of and Effect of Report.

- A. The applicant shall supply the Report to the Township Engineer for review to determine compliance with this Article. The Township Engineer shall determine whether the Report contains all information and studies this Article requires and whether the Report demonstrates that the proposed water supply for the Development meets the minimum standards of this Article.
- B. The Township Engineer shall provide the Township Planning Commission and the Board of Supervisors with a review of the Report.
- C. The Township Planning Commission shall review the Report and shall notify the Board of Supervisors whether the Development meets the minimum requirements of this Article for a safe, adequate and reliable water supply.

417. Regulations for Community Water Systems installed in the Township.

- A. Any person who proposes the installation and use of a community water system shall demonstrate that the community water system meets the requirements of this Article for a safe, adequate and reliable water supply. Such person shall submit an application to the Township for a permit to operate a community water system which applicant shall include:
 - (1) A report prepared under this Article.
 - (2) A copy of all information supplied to DEP concerning the community water system.
 - (3) A copy of the DEP approval to operate the community water system.
- B. The Township may annually inspect each community water system. The owner of the community water system shall pay all costs associated with the yearly inspection of the community water system. The person performing the inspection shall be deemed qualified by the Township to perform the inspections required by this Ordinance.
- C. All persons who own a lot which is served by a community water system shall properly use such community water system. The owner of the community water system shall properly maintain the community water system.
- D. Any person who owns a lot served by a community water system, any person who occupies a lot served by a community water system, any person who owns a community water system, and any person maintaining a community water system shall report any malfunctioning or contamination of such community water system to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction or contamination.



3. ENACTED, ORDAINED, AND ADOPTED this 6th day of January 2003, by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania in a lawful session duly assembled.

SUPERVISORS OF THE TOWNSHIP OF WHEATFIELD

Robert H. Huns

Paul E. Fisher

James L. Fuller

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania, at a regular meeting of the Board on January 6, 2003.

Christopher G. Heiger

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ORDINANCE NO. 37-06-03

AN ORDINANCE AMENDING THE WHEATFIELD TOWNSHIP ZONING ORDINANCE ADOPTED JANUARY 6, 2003, PROVIDING FOR CERTAIN CHANGES IN THE REQUIREMENTS TO ARTICLE XIV – GENERAL REGULATIONS

IT IS HEREBY ENACTED AND ORDAINED BY THE Wheatfield Township Board of Supervisors that the Zoning Ordinance of Wheatfield Township is hereby amended as follows:

SECTION: 1. Article XIV, GENERAL REGULATIONS shall be amended by modifying Section 1402.AG-1-b. as follows:

1402.AG. Farm Animals 1-b.

- 1-b. The maximum number of animals permitted on a property shall not exceed two (2) animal equivalent units (AEU) per acre of land. The number of AEUs per acre shall be calculated by dividing the total number of AEUs by the total number of acres of land of the lot. For purposes of this Ordinance, one (1) animal unit is equivalent to one thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. In determining live weight of livestock, the Standard Weight in Pounds During Production Range developed by the State Conservation Commission shall be used.

ENACTED, ORDAINED, AND ADOPTED this 2nd day of June, 2002, by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania in a lawful session duly assembled.

SUPERVISORS OF THE TOWNSHIP OF WHEATFIELD

Paul E. Fishback
Robert Kriner
James L. Fuller

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania, at a regular meeting of the Board on June 2, 2003.

Christina M. Hoyer
Secretary

ORDINANCE NO. 38-07-03

AN ORDINANCE OF WHEATFIELD TOWNSHIP AMENDING ORDINANCE NO. 25-8-96 TO REMOVE SECTION 8 (Fees), TO AMEND SECTION 10 (Penalties) TO AMEND SECTION 2E (Definition of "Estimated Cost") TO CHANGE BUILDING PERMIT OFFICER TO "BUILDING PERMIT OFFICER/ZONING OFFICER" AND TO CHANGE BUILDING PERMIT TO "BUILDING PERMIT/ZONING PERMIT".

IT IS HEREBY ENACTED AND ORDAINED BY THE Wheatfield Township Board of Supervisors of the Township of Wheatfield, Perry County, Pennsylvania, as follows:

Section 1 Section 8 of Ordinance No. 25-8-96 of Wheatfield Township is amended to read as follows:

"Section 8 - Fees

Application for building permits shall be accompanied by a fee, payable to the municipality in an amount as may be set by the Board of Supervisors by Resolution from time to time."

Section 2 Section 10 of Ordinance No. 25-8-96 of Wheatfield Township is amended to read as follows:

"Section 10 - Penalties

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a summary offense and upon conviction thereof, be sentenced to pay a fine of not more than One Thousand dollars (\$1,000.00) and costs of prosecution and to undergo imprisonment of not more than ninety (90) days.

Section 3 Section 2E of Ordinance No. 25-8-96 of Wheatfield Township is amended to read as follows:

"E: Estimated Costs – the amount of money expected to be paid for all material and labor or the fair market value of all material and labor, whichever is the greater."

Section 4 – Ordinance 25-8-96 shall be amended so that every place that the words "Building Permit Officer" appears in the Ordinance 25-8-96 of Wheatfield Township it shall be replaced with the term "Building Permit Officer/Zoning Officer".

Section 5 – Ordinance 25-8-96 shall be amended so that every place that the words "Building Permit" appears in the Ordinance 25-8-96 of Wheatfield Township it shall be replaced with the term "Building Permit /Zoning Permit".

Section 6 All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ENACTED, ORDAINED, AND ADOPTED this 2nd day of June 2003. By the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania in a lawful session duly assembled.

Supervisors of Wheatfield Township

James T. Fulmer
Robert E. Hui
Paul E. F. Slouder

Certification of Adoption

I hereby certify the foregoing to be an exact copy of Ordinance 38-07-03 adopted by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania, at a regular meeting of the Board on June 2, 2003

Christy K. Hottel
Secretary

ORDINANCE # 43-01-04

AN ORDINANCE AMENDING ORDINANCE #33-08-02 OF WHEATFIELD TOWNSHIP, PERRY COUNTY RELATING TO THE LOCATION, DESIGN, CONSTRUCTION, MAINTENANCE AND DRAINAGE OF PRIVATE DRIVEWAYS AND OTHER STRUCTURES WITHIN WHEATFIELD TOWNSHIP'S RIGHT-OF-WAYS BY DELETING SECTION 101.H AND RELETTERING SECTIONS 101.I, J, K, L, AND M.

Section 1 - The Township Codified Ordinances is hereby amended as follows:

Section 100 - Purpose

The purpose of this Ordinance is to regulate the location, design, construction, maintenance and drainage of private driveways and other structures within Wheatfield Township's right-of-ways for the purpose of safety, and preservation of proper drainage.

Section 101 - Permit Application

- A. No driveway, drainage facility or structure within an existing or dedicated highway right-of-ways of Wheatfield Township shall be constructed or altered and no drainage facility of the Township shall be altered or connected onto without first obtaining a permit from the Township. A permit shall not be required for general maintenance of an existing driveway or drainage facility.
- B. Permit application shall be submitted in the name of and executed by the owner or equitable owner of the property.
- C. Permit application shall be submitted prior to the construction of any building or structure or any improvements to a property for which the proposed driveway will serve to insure that the driveway can be constructed in accordance with this ordinance.
- D. Permit application procedure and required information:
 - 1. The permit shall be submitted in person or by mail on a properly completed Township application form.
 - 2. Shall be signed by the applicant.
 - 3. Shall include a site plan detailing the location and pertinent dimensions of both the proposed installation and related highway features.
 - 4. Shall be submitted to the Township at least 14 working days prior to the anticipated start of work.

E. Authority to reject application

The Zoning Officer will examine and determine the application for completeness, and may reject any application that is incomplete or not in compliance with this Ordinance. If an application is rejected, the reasons for the rejection shall be communicated to the applicant.

F. Residential and Non-Residential driveways shall be constructed in accordance with the provisions of Article XVII, entitled Motor Vehicle Access, of the Wheatfield Township Zoning Ordinance. Required and actual sight distances shall be shown on the application.

G. To ensure an adequate leveling area and to control the velocity of stormwater runoff, the driveway for a distance of twenty (20') feet measured from the edge of the existing cartway towards the applicants' property shall not have a grade greater than five (5%) percent. If a cross pipe is necessary to convey stormwater under the driveway, the Zoning Officer shall consult with the Road Master concerning the pipe's size and location.

H. Improvements to existing driveways

When improvements are made to an existing driveway that is located within a right-of-way of a township owned road and which is not in compliance with the provisions of this Ordinance, the driveway shall be improved in accordance with the provisions of this Ordinance.

I. Permit Fees

The Wheatfield Township Board of Supervisors shall set the fees for a permit by Resolution.

J. Penalties for Violations

Any person or corporation violating any of the provisions of this Ordinance or any regulations and specification adopted thereunder shall, upon conviction thereof, pay a fine of not more than Five-Hundred (\$500.00) Dollars for each offense, plus costs of prosecution, for each day that a violation is permitted to continue after notice in writing of such violation is issued by the Township.

K. Notices, Hearings, and Appeals

1. Notice of Violation

Whenever the Zoning Officer determines there are reasonable grounds that there has been a violation of any provisions of this ordinance, notice shall be given of such alleged violation to the person to whom the permit was issued, or who caused the violation to occur. Such notice shall be as follows:

- A. Be in writing.
- B. Include a statement of the reasons for its issuance.
- C. Allow a reasonable time for the performance of any act it requires.
- D. Be served upon the owner or agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by certified mail to the last known address, or when the notice has been properly served by any method authorized or required by the laws of the Commonwealth of Pennsylvania.
- E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

2. Request for Hearing

Any person affected by any notice which has been issued, may request a hearing on the matter before the Board of Supervisors; provided, that such person files in the office of the Township a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice.

3. Notice of Hearing

Upon receipt of such petition the Board of Supervisors shall set a time and place for such hearing and shall give the petitioner written notice thereof. The Hearing shall be commenced within forty-five (45) days of the petition being filed with the Township.

4. Compliance

After such hearing the Board of Supervisors shall make findings as to compliance with the provisions of this Ordinance and regulations issued hereunder and shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation. Upon failure to comply with any order sustaining or modifying a notice the applicant shall be subject to further legal action and applicable fines.

L. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ENACTED, ORDAINED, AND ADOPTED this 5th day of January, 2004, by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania in a lawful session duly assembled.

SUPERVISORS OF THE TOWNSHIP OF WHEATFIELD

James G. Fullin

Robert E. Hines

Paul E. Fishler

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania, at a regular meeting of the Board on January 5, 2004.

Beth Ann M. Kissinger

ORDINANCE NO. 51-6-06

AN ORDINANCE OF WHEATFIELD TOWNSHIP AMENDING THE ZONING ORDINANCE TO CHANGE THE DEFINITION OF "BARN"

IT IS HEREBY ENACTED AND ORDAINED by the Wheatfield Township Board of Supervisors that the Zoning Ordinance of Wheatfield Township be and is hereby amended as follows:

Section 1 - Article II §204 shall be amended by modifying the following:

"BARN - a building, accessory or principal, which is used for the storage of grain, and/or the housing of farm animals and/or poultry."

Section 2 - All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

ENACTED, ORDAINED, AND ADOPTED this 3rd day of July, 2006, by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania in lawful session duly assembled.

Supervisors of Wheatfield Township

Bryce L. Shyne
James L. Miller
Robert E. Arner

ATTEST:

Vicki L. Jenkins
Secretary

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF WHEATFIELD TOWNSHIP, BY AMENDING, DELETING, ADDING AND SUBSTITUTING CERTAIN SECTIONS OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Wheatfield Township, Perry County, Pennsylvania that the Subdivision and Land Development Ordinance of Wheatfield Township is hereby amended as follows:

Section 1: Amendments, deletions, additions and substitutions to the following sections of the Subdivision and Land Development Ordinance.

A. Article V, Section 506.B – Street Surfacing shall be deleted and replaced as follows:

B. Pavement – The pavement base and wearing surface must be in accordance with, and Constructed in accordance with the Pennsylvania Department of Transportation, Pub. 408, as revised to date.

Pavement Courses	Streets	
	Minor	Collector
Wearing	1 1/2"	1 1/2"
Binder	0"	2"
Base	4 1/2"	4"
Subbase	6"	6"

LEGEND

- * Wearing Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 to 0.3 million ESAL's, 9.5 mm mix, SRL L.
 - * Binder Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 to 0.3 million ESAL's, 19.0 mm mix.
 - * Base Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 to 0.3 million ESAL', 25.0 mm mix.
1. For the construction of arterial roads or highways, the subdivider shall consult the Wheatfield Township Board of Supervisors and be governed by the Pennsylvania Department of Transportation Specifications for the method of construction to be used. (Pub. 408, as revised to date) and to submit pavement design calculations in accordance with PennDOT Pub. 242.
 2. The Wheatfield Township Board of Supervisors shall decide if a Collector or Arterial Street is required as a direct result of the construction of this subdivision in which case the Applicant is responsible for paving the additional width required and submitting pavement design calculations in accordance with PennDOT Pub. 242.

B. Article V, Section 507.E – Sewers and Water shall be deleted and replaced as follows:

E. Where installation of a public water main supply system is not required, the subdivider or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources, as to source and installation. In the case of where Private wells exist or are proposed on any lot in the subdivision or land development, the following note shall be added to the plan:

"It is recommended all wells be placed at least one hundred (100) feet from any adjoining property line and any existing septic system or any suitable absorption area with completed percolation and deep probe testing. It is the landowner's responsibility to determine the adequacy of the well placement to ensure potable water."

Section 2: Severability Clause

If any section, paragraph, section or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this ordinance which shall remain in full force and effect. For this purpose the provisions of this ordinance are hereby declared to be severable.

Section 3: Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall become effective as Provided by law.

Section 4: Enactment

ENACTED, ORDAINED AND ADOPTED this 2nd day of October, 2006, by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania in a lawful session duly assembled.

Wheatfield Township Board of Supervisors

Barry J. Slope
James S. Fuller
Robert S. Hines

CERTIFICATE OF ADOPTION

I hereby certify the following to be an exact copy of Ordinance No. 52-10-06 adopted by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania at a duly advertise meeting of the Board on October 2, 2006.

Vicki L. Jenkins
Vicki L. Jenkins, Secretary

