

PENN LAKE PARK BOROUGH
ORDINANCE NUMBER 3 OF 2010

AN ORDINANCE AMENDING THE PENN LAKE PARK BOROUGH ZONING ORDINANCE OF JULY 11, 1996, AS AMENDED.

IT IS HEREBY ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK THAT THE FOLLOWING AMENDMENTS TO THE PENN LAKE PARK ZONING ORDINANCE ARE HEREBY ADOPTED.

SECTION 1.

ARTICLE 2, SECTION 202, DEFINITIONS, AMENDED TO INCLUDE THE FOLLOWING TERMS:

ACREAGE, GROSS:

The total area measured to the property lines of the parcel or lot.

NET ACREAGE:

The total acreage of a lot, tract, or parcel of land excluding land in existing and proposed streets, street rights-of-way, easements and surface water.

NET RESIDENTIAL DENSITY:

The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting surface water, undevelopable lands (e.g., wetlands, flood plains, steep slopes or other environmentally sensitive areas) and the area in rights-of-way for streets, roads and/or easements.

WIND ENERGY CONVERSION SYSTEM (“WECS”):

A machine designed for the purpose of converting wind energy into electrical energy. (Commonly known as “wind turbine” or “windmill”). The term WECS shall be used interchangeably with the terms “wind turbine” or “windmill,” with said terms having the same meaning as a WIND ENERGY CONVERSION SYSTEM (“WECS”)

WECS, COMMERCIAL:

A WECS that is the prime use on a parcel of land and supplies electrical power for off-site use.

WIND ENERGY CONVERSION SYSTEM (SMALL) - (“Small WECS”):

A wind energy conversion system that is incidental and subordinate to another use on the same parcel and supplies electrical power solely for on-site use, which is intended to primarily reduce consumption of utility power at that location and not for resale.

WIND ENERGY FACILITY:

A commercial electric generating facility, whose main purpose is to supply electricity to off-site customer(s), consisting of one or more Commercial WECS, and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SECTION 2.

ARTICLE 5, ZONING DISTRICT REGULATIONS, SECTION 506.3, CONDITIONAL USES, WHICH CURRENTLY READS AS FOLLOWS:

506.3 CONDITIONAL USES (SEE ARTICLE 7)

1. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves any of the following:
 - (a) the initial or cumulative land disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 5,000 square feet of buildings, structures and/or other impervious surface area.
2. Golf Courses (Commercial and/or Private).
3. Wireless Commercial Communication Sites.
4. Excavation, Extraction and/or Removal of Minerals.

IS HEREBY AMENDED TO READ AS FOLLOWS:

506.3 CONDITIONAL USES (SEE ARTICLE 7)

1. Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves any of the following:
 - (a) the initial or cumulative land disturbance which equals or exceeds 87,120 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 5,000 square feet of buildings, structures and/or other impervious surface area.
2. Golf Courses (Commercial and/or Private).
3. Wireless Commercial Communication Sites.
4. Excavation, Extraction and/or Removal of Minerals.

5. Wind Energy Conversion System (Small) - (“Small Weecs”)
6. Wind Energy Facility

SECTION 3.

ARTICLE 7, CONDITIONAL USES, SECTION 705, CLASSIFIED CONDITIONAL USES, IS HEREBY AMENDED TO INCLUDE A WIND ENERGY CONVERSION SYSTEM (SMALL) - (“SMALL WECS”) AND A WIND ENERGY FACILITY AS CONDITIONAL USES.

SECTION 4.

ARTICLE 7, CONDITIONAL USES, IS HEREBY AMENDED TO INCLUDE THE FOLLOWING SECTIONS:

SECTION 710 WIND ENERGY FACILITY

A. INFORMATION TO BE SUBMITTED

The applicant for a Wind Energy Facility shall be required to submit the following information:

- The applicant and landowner’s name and contact information. Please note that the Conditional Use Application must be signed by both the applicant and the landowner, regardless of any equitable interest or other documentation held by the applicant. Failure to provide an application bearing both signatures will be deemed to be an incomplete submission and shall represent a basis for denying the application.
- The tax map numbers, existing use and acreage of the site parcel.
- A copy of the deed to the property.
- A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the generating capacity of the Wind Energy Facility; the number, representative types and height of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
- A survey map at an appropriate scale showing the proposed location of the wind energy facility (including access roads) as it relates to the boundaries of the parcel, adjacent ownerships and existing residences, schools, churches, hospitals, libraries, federal, state, county or local parks, and recognized historic or heritage sites within a distance of 2,000 feet or less from any property boundary.
- Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the Wind Turbine, showing compliance with the applicable building

code.

- The make, model, picture and manufacturer's specifications, including noise decibels. Data pertaining to the Wind Turbine's safety and stability, including safety results from test facilities. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
- A completed Environmental Impact Statement in accordance with Section 806 of this Ordinance.
- A project visibility map, based on a digital elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 6 inches, and the base map used shall be a published topographic map showing man-made features, such as roads and buildings.
- No fewer than four, and no more than the number of proposed individual wind turbines, plus three color photos, no smaller than 8" by 10", taken from locations within a three-mile radius from the site and to be selected by the Borough Council, and computer-enhanced to simulate the appearance of the as-built site facilities as they would appear from these locations.
- Copies of all proposed leases required to be secured by the applicant, shall be provided, if the applicant is not the sole owner of the parcel or parcels on which the Wind Energy Facility is proposed to be constructed. Boundaries of said leases shall be clearly illustrated upon the site plan.
- Copies of all easements, existing and proposed upon the site shall be provided by the applicant. Said easements shall be clearly illustrated upon the site plan.
- Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located, including the name and mailing address of the owners of record.

B. APPROVAL STANDARDS

In addition to all other applicable criteria and requirements for approval of a conditional use as set forth in Article 6, the following standards shall apply:

- The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- To limit unauthorized access, a fence eight feet high with a locking portal shall be placed around the base of the tower of a wind turbine. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

- Tower-climbing apparatus located no closer than 15 feet from the ground.
 - A locked anti-climb device installed on the tower.
- Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
 - All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
 - All power transmission lines from a wind turbine to on-site substations shall be underground.
 - Prior to issuance of a building permit, the applicant shall provide the Borough proof of a level of insurance to be determined by the Borough Council in consultation with the Borough's insurer, to cover damage or injury that might result from the failure of a tower or towers of a wind turbine or any other part or parts of the generation and transmission facility. Said insurance must be maintained for the life of the Wind Energy Facility, until such time that all components of the Wind Energy Facility are decommissioned and/or removed.
 - Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each Wind Turbine or group of towers and any building, containing emergency contact information, including a local telephone number with 24 hour, 7 days a week coverage.
 - Any Wind Energy Facility found to be unsafe by the local enforcement officer or agent of the Borough shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any Wind Energy Facility is not operated for a continuous period of 12 months, the Borough will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Borough deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the Borough.
 - The owner of a Wind Energy Facility shall have it inspected at least every two years for structural and operational integrity by a licensed professional engineer, and shall submit a copy of the inspection report to the Borough. If such report recommends that repairs or maintenance are to be conducted, the owner shall provide written to the Borough with a written schedule for the repairs or maintenance.
 - A Wind Energy Facility shall comply with all applicable provision under the Pennsylvania Uniform Construction Code and shall secure a building permit from

Penn Lake Park Borough.

C. SITING AND INSTALLATION:

A Wind Energy Facility shall:

- Use existing roads to provide access to the facility site, or if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts.
- Combine transmission lines and points of connection to local distribution lines.
- Connect the facility to existing substations, or if new substations are needed, minimize the number of new substations.
- All wiring between wind turbines and the wind energy facility substation shall be underground.
- The wind power generation facility, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to wind power generation facilities and shall provide evidence of a signed interconnection agreement, or letter of intent, with the interconnecting utility company.

D. SETBACKS:

- The minimum setback distance between each wind turbine and overhead utility or transmission lines, other wind turbine, electrical substations, meteorological towers, and public roads shall be equal to no less than 1.1 times the sum of proposed structure height plus the rotor radius.
- The minimum setback distance for each wind turbine to any property line shall be not less than 1,500 feet.
- The minimum setback distance for each wind turbine to off-site structures shall be not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of an off-site structures or 1,500 feet, whichever is greater.
- All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.

E. NUISANCE ISSUES:

- Individual Wind Turbines shall be located so that the level of noise produced by Wind Turbine operation shall not exceed 50 dBA, measured at all points of

the site's property line. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

- No individual Wind Turbine shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.
- Reasonable efforts shall be made to preclude shadow flicker to any Building on a Non-participating Landowner's property.

F. ENVIRONMENTAL AND VISUAL:

- Wind Energy Facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- The design of the wind turbines buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- Where wind characteristics permit, wind turbines shall be set back from the tops of visually prominent ridgelines to minimize the visual contrast from any public access.
- The maximum Turbine Height, as so defined in this Ordinance, shall not exceed 300 feet.
- Wind Turbines shall be designed and located to minimize adverse visual impacts from neighboring residential areas, to the greatest extent feasible.
- Avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as a) electrical equipment boxes on or near the ground that can provide shelter and warmth, b) horizontal perching opportunities on the towers or related structures or c) soil where weeds can accumulate.
- A Wind Turbine shall be set back at least 1,500 feet from any bodies of water including but not limited to lakes, ponds, streams, creeks and rivers. The above setback distance may be altered based upon the findings under Section 806, Environmental Impact Statement of this Ordinance.
- All reasonable efforts shall be made to avoid development of sites which contain wetlands. Wind turbine shall be set back of not less than 1.1 times the Turbine Height, from identified wetlands and its delineated boundaries. The above setback distance may be altered based upon the findings under Section 806, Environmental Impact Statement of this Ordinance.
 - Wind Energy Facilities shall provide conclusive documentation that the location

and operation of the proposed facility will not adversely affect the wild life habitat, including but not limited to bats and birds of the region and associated migration routes. Comments from any State and/or Federal Agency having a jurisdictional review or stewardship over the protection of wildlife shall be required.

G. DECOMMISSIONING AND RESTORATION REQUIREMENTS

A Wind Energy Facility and all related components necessary for its operation shall be removed from the site upon its cessation of use. The applicant shall include the following information regarding decommissioning and removal of the a Wind Energy Facility and restoring the site:

1. The anticipated and/or estimated life of the project;
2. The estimated decommissioning costs in current dollars;
3. The method and schedule for updating the costs of decommissioning and restoration;
4. The method of ensuring that funds will be available for decommissioning and restoration; and
5. The anticipated manner in which the project will be decommissioned and the site restored.

6. The Borough Council shall require the applicant to provide an appropriate and adequate demolition bond for purposes of removing the commercial communications tower in case the applicant fails to do so as required above. Proof of this bond shall be provided each year and shall be a continuing condition for the life of the project.

7. The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a licensed professional engineer, the cost of same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

SECTION 711 SMALL WIND ENERGY CONVERSION SYSTEM ("Small WECS")

1. DESIGN AND INSTALLATION

A. Design Safety Certification

The design of a Small WECS shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer's from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.

B. All components of a small WECS shall be designed and constructed to be in compliance with pertinent provisions of the Pennsylvania Uniform Construction Code Uniform. Building Code.

C. Controls and Brakes

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

D. Electrical Components

All electrical components of a small WECS shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

The maximum turbine power output shall be limited to 10 KW.

All on-site electrical wiring associated with the system shall be installed underground except for "tie- ins" to a public utility company and public utility company transmission poles, towers and lines.

A Small WECS shall not cause disruption or loss of radio, telephone, television or similar signals, and shall be required to mitigate any harm caused by the operation of the system.

At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, or generator where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

Anchor points for any guy wires for a small WECS shall be located within the property that the system is located on and not on or across any above ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

2. VISUAL APPEARANCE

A visual analysis of a small WECS as intended to be installed shall be provided with conditional use. The visual analysis shall include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points.

Exterior lighting on any structure associated with the system shall not be

allowed except that which is specifically required by the Federal Aviation Administration.

A small WECS's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

A small WECS shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible, the system:

- shall not project above the top of ridgelines.
- shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

3. LOT SIZE, SETBACK AND HEIGHT REQUIREMENTS:

A small WECS shall be located on a lot with a minimum size of not less than two (2) acres.

The maximum turbine height for a small WECS shall be as follows:

- 65 feet on parcels between two and five acres.
- 80 feet on parcels of five or more acres.

Setback requirements. A small WECS shall not be located closer to a property line than two and a half (2.5) times the turbine height as measured from the center of the base and/or concrete pad to which it is attached.

Only one small WECS per legal lot shall be allowed.

A roof-mounted system may extend a maximum of eight feet above the structure or building on which it is mounted:

4. CLIMB PREVENTION/LOCKS

Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

- Tower-climbing apparatus located no closer than 15 feet from the ground.
- A locked anti-climb device installed on the tower.

A locked, protective fence at least six feet in height shall enclose the tower and electrical equipment to prevent entry by non-authorized persons.

5. NOISE AND SHADOW FLICKER

Audible sound from a Small WECS shall not exceed fifty (50) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from the operations of a Small WECS shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of the Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

Reasonable efforts shall be made to preclude shadow flicker to any Occupied Building on a Non-participating Landowner's property.

6. ABANDONMENT

A Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

SECTION 5.

ARTICLE 5, ZONING DISTRICT REGULATIONS, SECTION 501.4, DIMENSIONAL REGULATIONS ITEM (A), WHICH CURRENTLY READS AS FOLLOWS:

- A. Minimum Lot Area:
 - 1. Twenty Thousand (20,000) square feet when serviced by central sewers.
 - 2. One (1) acre when serviced by on-lot sewage disposal and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.

IS HEREBY AMENDED TO READ AS FOLLOWS:

- A. Minimum Lot Area:
 - 1. Sixty Thousand (60,000) square feet when serviced by central sewers.
 - 2. Two (2) acres when serviced by on-lot sewage disposal and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.

SECTION 6.

ARTICLE 5, ZONING DISTRICT REGULATIONS, SECTION 502.4, DIMENSIONAL REGULATIONS ITEM (A), WHICH CURRENTLY READS AS FOLLOWS:

- A. Minimum Lot Area: Each principal building, structure and/or use which shall be connected to central sewers shall be located upon a lot having a minimum lot area of not less than:

1. Twenty Thousand (20,000) square feet when serviced by central sewers.
2. One (1) acre when serviced by an on-lot sewage disposal system and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.

IS HEREBY AMENDED TO READ AS FOLLOWS:

- A. Minimum Lot Area: Each principal building, structure and/or use which shall be connected to central sewers shall be located upon a lot having a minimum lot area of not less than:
1. One acre when serviced by central sewers.
 2. Two (2) acre when serviced by an on-lot sewage disposal system and governed by the applicable standards of the Pennsylvania Department of Environmental Protection.

SECTION 7.

ARTICLE 5, ZONING DISTRICT REGULATIONS, SECTION 502.2, USES PERMITTED BY SPECIAL EXCEPTION IS HEREBY AMENDED TO DELETE "TOWNHOUSES AND MULTIFAMILY DWELLINGS."

SECTION 8.

ARTICLE 5, ZONING DISTRICT REGULATIONS, SECTION 502.3, CONDITIONAL USES WHICH CURRENTLY READS AS FOLLOWS:

502.3 CONDITIONAL USES (SEE ARTICLE 7)

Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:

- (a) the initial or cumulative land disturbance which equals or exceeds 87,120 square feet of surface area.
- (b) the initial or cumulative construction, placement or installation which equals or exceeds 5,000 square feet of buildings, structures and/or other impervious surface area.

IS HEREBY AMENDED TO READ AS FOLLOWS:

502.3 CONDITIONAL USES (SEE ARTICLE 7)

Townhouses

Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:

- (a) the initial or cumulative land disturbance which equals or exceeds 87,120 square feet of surface area.
- (b) the initial or cumulative construction, placement or installation which equals or exceeds 5,000 square feet of buildings, structures and/or other impervious surface area.

SECTION 9.

ARTICLE 8, SUPPLEMENTAL REGULATIONS, SECTION 802.17, TOWNHOUSES (ATTACHED SINGLE FAMILY HOUSING) WHICH CURRENTLY READS AS FOLLOWS IS HEREBY DELETED AND THE REMAINING SECTIONS OF ARTICLE 8 SHALL BE RENUMBERED ACCORDINGLY:

802.17 TOWNHOUSES (ATTACHED SINGLE FAMILY HOUSING)

Townhouses and/or multifamily housing which are not being developed as part of a Planned Residential Development, shall be serviced by a central sewage system and shall be subject to the following provisions and all applicable provisions of the Luzerne County Subdivision and Land Development Ordinance:

- A. The site shall have a minimum lot width of not less than 300 feet and a minimum area of not less than two acres.
- B. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be 35%.
- C. The maximum number of residential units per structure shall not exceed six (6)
- D. Minimum lot width per dwelling unit shall be 25 feet.
- E. Minimum lot depth per dwelling unit shall be 100 feet.
- F. Minimum lot area per dwelling unit shall be 2,500 square feet.
- G. Minimum front yard setback shall be 40 feet.
- H. Minimum side yard setbacks shall be 25 feet. Side yard setbacks shall be required only at the ends of rows of attached dwellings.
- I. Minimum rear yard setback shall be 30 feet.
- J. Maximum density shall be 1 dwelling unit per each 5,000 square feet of land area.
- K. Minimum width of each dwelling unit shall be 25 feet.
- L. Maximum building height shall be 2 1/2 stories, but not in excess of 35 feet.

- M. Minimum distance between principal structures shall be 75 feet.
- N. Minimum front yard setback for off-street parking areas shall be 20 feet.
- O. Minimum side yard setbacks for off-street parking areas shall be 15 feet.
- P. Minimum rear yard setbacks for off-street parking areas shall be 20 feet.
- Q. Two (2) off-street parking spaces shall be provided for each dwelling unit.
- R. Attached accessory structures shall have the same setbacks as required for principal structures.

Townhouses (Attached Single Family Housing) shall provide a site plan in conformance the following additional information:

The location, use, plan dimensions and height of each building and the total gross floor area.

The location, dimensions and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking areas, pedestrian ways, widths of streets and sidewalks.

The capacity and design of all areas to be used for vehicular access and parking.

The location, dimensions and arrangement of all areas devoted to planting, lawns, trees, shrubs and similar landscaping.

A Soils Erosion and Sedimentation Control Plan

The appropriate DEP Planning Module.

Storm water drainage calculations for the site

The provisions and design features of paved areas, infrastructure and other required site utilities.

SECTION 10.

ARTICLE 7, CONDITIONAL USES, IS HEREBY AMENDED TO INCLUDE SECTION 709 WHICH SHALL READ AS FOLLOWS;

SECTION 709 TOWNHOUSES (ATTACHED SINGLE FAMILY HOUSING)

Townhouses shall be serviced by a central sewage system and shall be subject to the following provisions and all applicable provisions of the Penn Lake Park Borough Subdivision and Land Development Ordinance:

- A. The site shall have a minimum lot width of not less than 400 feet and a minimum area of not less than four (4) acres.
- B. Maximum percentage of building coverage on a lot per dwelling unit, exclusive of common or public open areas, shall be 35%.
- C. The maximum number of residential units per structure shall not exceed six (6)
- D. Minimum lot width per dwelling unit shall be 25 feet.
- E. Minimum lot depth per dwelling unit shall be 100 feet.
- F. Minimum lot area per dwelling unit shall be 2,500 square feet.
- G. Minimum front yard setback shall be 40 feet.
- H. Minimum side yard setbacks shall be 25 feet. Side yard setbacks shall be required only at the ends of rows of attached dwellings.
- I. Minimum rear yard setback shall be 30 feet.
- J. Maximum net residential density shall be 1 dwelling unit per each 35,000 square feet of land area.
- K. Minimum width of each dwelling unit shall be 25 feet.
- L. Maximum building height shall be 2 1/2 stories, but not in excess of 35 feet.
- M. Minimum distance between principal structures shall be 75 feet.
- N. Minimum front yard setback for off-street parking areas shall be 20 feet.
- O. Minimum side yard setbacks for off-street parking areas shall be 15 feet.
- P. Minimum rear yard setbacks for off-street parking areas shall be 20 feet.
- Q. Two (2) off-street parking spaces shall be provided for each dwelling unit.
- R. Attached accessory structures shall have the same setbacks as required for principal structures.

Townhouses (Attached Single Family Housing) shall provide a site plan in conformance the following additional information:

The location, use, plan dimensions and height of each building and the total gross floor area.

The location, dimensions and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking areas, pedestrian ways, widths of streets and sidewalks.

The capacity and design of all areas to be used for vehicular access and parking.

The location, dimensions and arrangement of all areas devoted to planting, lawns, trees, shrubs and similar landscaping.

A Soils Erosion and Sedimentation Control Plan

The appropriate DEP Planning Module.

Stormwater management plan approved by DEP for the site

The provisions and design features of paved areas, infrastructure and other required site utilities.

SECTION 11.

ARTICLE 13, ENFORCEMENT AND ADMINISTRATION, SECTION 1302.6
EXPIRATION OF ZONING PERMIT, WHICH CURRENTLY READS AS
FOLLOWS:

1302.6 EXPIRATION OF ZONING PERMIT

A zoning permit shall expire one year from the date of issuance, if the work described in said permit has not commenced, including permits authorized to be issued by the Zoning Hearing Board or Governing Body. If the work described within the zoning permit has commenced within the prescribed one year period, the permit shall expire two years from the start of construction. An extension of time may be granted as a variance from the Zoning Hearing Board.

IS HEREBY AMENDED TO READ:

1302.6 EXPIRATION OF ZONING PERMIT

A zoning permit shall expire one year from the date of issuance, if the work and/or use of the property as described in said permit, based upon the footprint of proposed improvements and/or the proposed use of the property has not commenced, including permits authorized to be issued by the Zoning Hearing Board or Governing Body. If the zoning permit includes physical improvements to a property and the work to undertake those improvements has commenced within the prescribed one year period, the permit shall expire two years from the start of construction. If the subject work is not completed within two years from the start of construction the following procedures shall be applicable:

- An extension of time may be granted at the discretion of the Zoning Officer if a determination is rendered that the work will be completed within an additional one year from the date of the requested time extension.
- or
- The applicant may submit an application for a new zoning permit for the portion of the work not completed within two years from the start of construction.

If the subject work and/or proposed use of a property as described in the approved zoning permit has not commenced within one year from the date of issuance, a new zoning permit application shall be required to undertake the proposed work or use subject to the governing regulations in effect at that time.

SECTION 12.

SEVERABILITY: If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 13.

REPEALING PROVISION: All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 14. EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT FIVE (5) DAYS FOLLOWING ITS DATE OF ENACTMENT:

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PENN LAKE PARK, LUZERNE COUNTY, PENNSYLVANIA, THIS _____ DAY OF _____, 2010.

COUNCIL PRESIDENT

ATTEST:

BOROUGH SECRETARY

APPROVED: _____
MAYOR