

**ARTICLE 12 -
SPECIFIC CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES,
AND USES PERMITTED BY RIGHT**

In addition to the General Provisions listed in Article 11, the following sets forth standards that shall be applied to each individual special exception, conditional use, or use permitted by right. These standards must be satisfied prior to approval of any applications for a special exception, conditional use, or use permitted by right. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying District, unless those standards expressed for each special exception, conditional use or use permitted by right, specify different standards. In such cases, the specific special exception, conditional use, or use permitted by right use standards shall apply.

Section 1200 Adult-Related Uses

- A. Within the R-L District, Adult-Related Uses (Adult Book Store, Adult Cabaret, Adult Theater, etc.) are permitted by conditional use, subject to the following criteria:
1. It is hereby declared to be unlawful to establish or maintain or to permit or allow to be established or maintained any adult-related use within the following zoning districts as now constituted or as hereinafter created or extended by or under the Mount Holly Springs Zoning Ordinance. (The designation and description of said districts under said Zoning Ordinance being incorporated herein by reference thereto):
 - a. R-1 Residential District
 - b. R-2 Residential District
 - c. V Village District
 - d. G-C General Commercial District
 - e. I Industrial District
 - f. Flood Hazard District
 2. Adult-related uses shall not be permitted within 350 feet of the geographical boundary line of any of the zoning districts enumerated in paragraph A immediately above.
 3. Adult-related uses shall not be placed within 1,500 feet of any school (public, private or parochial), church, day care, synagogue or any other adult-related use.
 4. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located and/or maintained, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed land use is to be located and/or maintained.
 5. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film

are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.

6. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
7. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended upon entry;
8. No adult-related use may change to another adult-related use, except upon approval of an additional special exception;
9. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
10. No sexual activity or conduct shall be permitted; and,
11. No more than one adult-related use may be located within one building.
12. No person shall operate an adult entertainment establishment without first obtaining a use and occupancy or zoning permit as provided in this Ordinance and all other applicable permits required by law. The permit will be reviewed annually for compliance. The Health Officer and/or Zoning Officer will also perform regular inspections.

Section 1201 Agricultural Operation

- A. Agricultural Operations/excluding commercial livestock operations shall be permitted by right in the (R-L) District, subject to the following criteria:
 1. No structure for the housing of poultry, livestock or feedlot shall be located:
 - a. Within 300 feet of any residential structure, other than a structure in which the applicant resides, located on the same lot.
 - b. Within 125 feet of any right-of-way line.
 - c. Within 300 feet from adjoining property line.
 2. The building height restrictions shall be subject to provisions of the Zoning District.

Section 1202 Agricultural, Plant Nursery and Garden Material, Retail Sale of

- A. Within the (R-L) and the (G-C) Districts, Retail Sale of Agricultural, Plant Nursery and Garden Material are permitted by right, subject to the following criteria:
 1. The display and sale of items not grown on the property or directly adjacent properties, shall be incidental and accessory use.
 2. All outdoor display areas shall be set back at least twenty-five (25) feet from the street right-of-way line.

3. All structural improvements (including parking and loading facilities, but not including a free standing sign) shall be screened from adjoining land within any Residential or Village District.
4. One sign shall be permitted advertising the business. Such sign shall not exceed six (6) square feet in size

Section 1203 Airports and/or Heliports.

- A. Within the (R-L) District Airports/Heliports are permitted by conditional use, subject to the following criteria:
1. Minimum lot area shall be 30 acres for airports and three acres for heliports.
 2. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration.
 3. Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of airports and/or heliports.
 4. The applicant shall provide the delineation of the airport or heliport hazard District to Mount Holly Springs Borough and all adjoining municipalities with land located within the hazard zone.
 5. All facilities shall not be detrimental to the health, welfare and safety of Mount Holly Springs Borough residents and their property.
 6. Heliports shall meet the following additional requirements:
 - a. The landing pad shall be at least 80 feet square or a circle with an eighty-foot diameter. This pad shall be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
 - b. At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than 90 degrees apart. Each approach lane shall be located within 45 degrees left or right of the prevailing winds and shall fan out at an angle of 10 degrees from the width of the landing pad to a width of 1,000 feet, and shall have a glide angle slope of eight degrees to one, measured from the outer edge of the pad.
 - c. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use or special exception application; and,

Section 1204 Amusement Arcades

- A. In the (V) and (G-C) Districts, Amusement Arcades shall be permitted by right, subject to the following criteria:
1. All activities shall take place within a completely-enclosed building;
 2. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade;

3. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 1205 Animal Hospitals, Veterinary Offices and/or Kennels

- A. Within the (G-C) and (R-L) Districts Animal Hospitals, Veterinary Offices and/or Kennels shall be permitted by right subject to the following criteria:
 1. Kennels and/or animal hospitals shall have a minimum lot size in accordance with the requirements of the zoning district.
 2. All areas used for exercise shall be securely fenced.
 3. All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be a minimum of 25 feet from all property lines and a minimum of 200 feet from any adjacent residence whose owner is other than the animal building owner.
 4. Animals shall be permitted to exercise outside daily between the hours of 8:00 a.m. to 8:00 p.m.

Section 1206 Automobile Auctions and/or Automobile Parking or Storage Compounds

- A. Within the (I) District, Automobile Auctions and/or Automobile Parking or Storage Compounds shall be permitted by special exception subject to the following criteria:
 1. Any site used for the sale, parking and/or storage of more than one hundred fifty (150) vehicles shall front solely upon collector or arterial roads;
 2. All exterior areas used for the sale, parking and/or storage of automobiles shall be completely enclosed by a minimum eight foot (8') high fence, which shall be subject to the setback requirements imposed upon off-street parking lots;
 3. Access drives, for a distance of one hundred feet (100') from the edge of the street right-of-way shall be paved. Beyond this all areas used for vehicle sales, parking or storage may be a non-paved all-weather, dust-free surface.
 - a. All lighting shall be designed and constructed so as not to cast glare on adjoining road and/or properties.
 - b. In addition to the preceding requirements, automobile auctions shall comply with the following:
 4. The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display areas, stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The sales shall include all indoor and outdoor areas as listed above;
 5. The retail sales area shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
 6. Any exterior lighting and amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties;

7. Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter;
8. The servicing, reconditioning, demolition, or junking of vehicles is prohibited;
9. The applicant shall furnish evidence that the disposal of all materials will be accomplished in a manner that complies with all applicable State and Federal regulations; and
10. No part of the auction shall be located within six hundred feet (600') of any land within the (R-1), (R-2) and (V) Districts.

Section 1207 Automobile, Bus, Class I Recreation Vehicle, Boat, Motorcycle, and Snowmobile Sales and/or Service Facilities

- A. Within the (I) and (G-C) Districts, Automobile, Bus, Class I Recreation Vehicle, Boat, Motorcycle, and Snowmobile Service and Repair Facilities are permitted by right, subject to the following criteria:
1. All service and/or repair activities shall be conducted within a completely enclosed building;
 2. All exterior storage areas shall be subject to lot coverage requirements and screened from adjoining residentially-zoned properties and roads;
 3. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly toward any adjoining residentially-zoned or utilized property;
 4. All vehicles and machinery shall be repaired and removed from the premises;
 5. The demolition or junking of vehicles and machinery is prohibited
 6. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 1208 Automobile Repair Garage

- A. Automobile Repair Garages are permitted by right in the (G-C) and (I) Districts, subject to the following criteria:
1. All paint work shall be performed within a building with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
 2. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots in accordance with this Ordinance.
 3. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
 4. Any "junk vehicle" shall not be stored for more than 30 days. A maximum of 4 junk vehicles may be parked on a lot outside of an enclosed building at any one time, except that additional numbers of vehicles may be parked outside overnight if they: (1) are screened from view from streets and other lots by landscaping or buildings and (2) are actively undergoing repair.

5. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street).

Section 1209 Automobile Service Stations

- A. Automobile Service Stations (including minor incidental repair) are permitted by right in the (G-C) District, subject to the following criteria.
 1. The subject property shall have a minimum width of one hundred twenty-five feet (125’);
 2. The subject property shall front on an arterial or collector road;
 3. The subject property shall be setback at least three hundred feet (300’) from any lot containing a school, day care facility, park, playground, library, hospital or nursing, rest or retirement home;
 4. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited;
 5. All structures (including air compressors, kiosks, gasoline pump islands, but not including signs) shall be setback at least fifteen feet (15’) from any street right-of-way line;
 6. No outdoor storage of auto parts shall be permitted.
 7. All ventilation equipment associated with fuel storage tanks shall be set back one hundred feet (100’) from and oriented away from any adjoining residence.
 8. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

Section 1210 Bed and Breakfast Homes

- A. Bed and Breakfast Homes shall be permitted by right in the (R-L), (R-1) (R-2) and (V) Districts subject to the following specific criteria:
 1. A bed and breakfast home shall be allowed only in an owner-occupied, single-family, detached residential dwelling or buildings accessory thereto. No modification to the external appearances of the building (except fire and safety requirements) which would alter its residential character shall be permitted.
 2. Accommodations for overnight lodging at a bed and breakfast home shall be limited to no more than five guest rooms and to no more than 10 guests at a given time. The guest rooms for bed and breakfast homes shall be rented to overnight guests on a daily basis for periods not exceeding one week.
 3. Accommodations at bed and breakfast homes may include breakfast prepared on the premises for guests and included in the charge for the room. No meal other than breakfast may be prepared on the premises for the registered guests. Catered food service from a licensed facility is permitted without additional licensing requirements.
 4. No cooking facilities shall be provided or permitted in individual guest rooms.

5. A bed and breakfast home must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under this Ordinance.
6. Lighting shall not be shed on adjoining properties.
7. The use of a residential dwelling for a bed and breakfast home must be approved by the Mount Holly Springs Borough Sewage Enforcement Officer and the system upgraded, if necessary.
8. All bed and breakfast homes shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.
9. Section 1259 shall be met if the bed and breakfast home will be used for special occasions as defined under "special occasion home" in the Definitions Article of this Ordinance.

Section 1211 Boarding Houses

- A. Boarding Houses shall be permitted by right in (R-L) and (V) Districts, subject to the following criteria:
1. Minimum lot area: as required by the zoning district in which the property is located.
 2. The boarding house shall provide accommodations for no more than five persons.
 3. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used and all other federal and state license requirements have been met.
 4. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
 5. All floors above grade shall have direct means of escape to ground level.
 6. All parking areas shall be screened from adjoining residences.
 7. Meals shall be offered only to registered tenants.
 8. No signs shall be permitted.

Section 1212 Campgrounds

- A. Within the (R-L) District, Campgrounds are permitted by special exception on a minimum of ten (10) acres, subject to the following criteria:
1. All campsites shall be located at least fifty feet (50') from any side or rear property line and at least one hundred feet (100') from any public street line;
 2. Each campsite shall be at least three thousand (3,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic or equivalent parking shall be provided in a common parking area;
 3. An internal road system shall be provided. These roads shall be an all-weather, dust free surface;

4. All outdoor play areas shall be set back one hundred feet (100') from any property line and screened from adjoining residentially zoned or utilized properties;
5. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred feet (100') from any property line. Such facilities shall be screened from adjoining residentially zoned or occupied properties;
6. Any accessory retail or service commercial uses shall be set back a minimum of one hundred feet (100') from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned or occupied parcels;
7. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
8. A campground may construct one freestanding or attached sign containing no more than ten (10) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be set back at least ten feet (10') from the street right-of-way line, at least one hundred feet (100') from any residential zone, and, at least twenty-five feet (25') from adjoining lot lines;
9. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities, which shall not be located within one hundred feet (100') of any property line. Responsibility for maintenance of the recreation area shall be with the landowner;
10. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.
11. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP, and Mount Holly Springs Borough.
12. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

Section 1213 Car Washes

- A. Car Washes shall be permitted as a special exception in the (V) District and by right in the (G-C) District subject to the following specific criteria:
 1. Gray water recycling is mandatory;
 2. For automatic, self-service and full service car washes, each washing bay shall provide a minimum fifty foot (50) long on-site stacking lane which precedes the washing process area;
 3. For full service car washes, a post-washing drying area shall be provided for no less than three (3) vehicles per washing lane;

4. All structures housing washing apparatuses shall be set back fifteen feet (15') from any street right-of-way, fifty feet (50') from any rear property line, and twenty feet (20') from any side lot line;
 5. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris; and,
 6. The subject property shall front on an arterial or collector road.
- B. The applicant shall demonstrate adequate provision for the collection and disposal of greases and wastes.

Section 1214 Cemeteries

- A. Cemeteries shall be permitted by right in the (R-L) District, subject to the following criteria:
1. All burial plots or facilities shall be set back a minimum of 20 feet from any property line.
 2. No burial plots or facilities are permitted in floodplain or flood fringe areas.

Section 1215 Child Care, Accessory

- A. An Accessory Child Care shall be permitted by right in the (R-L), (R-1), (R-2), (V), (G-C) and (I) Districts, subject to the following specific criteria:
1. The accessory child-care center shall meet all state and federal licensing and registration requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers.
 2. The accessory child care center is located at and is accessory to a legally established church, a public or nonpublic school, or a place of employment. Such buildings shall obtain a Pennsylvania Department of Labor and Industry occupancy permit.
 3. The accessory child care center provides safe off-street pickup and drop-off points in order to minimize traffic congestion. Vehicles shall enter and exit from the pickup and drop-off points at least 60 feet from any intersection. The passenger pickup and drop-off points shall be arranged so that the passengers do not have to cross traffic.
 4. An outdoor play area shall be provided in accordance with state regulations. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back 25 feet from all property lines. Outdoor play areas shall be completely enclosed by a four-foot-high fence that shall screen the area from adjoining residentially Districts or use properties. All outdoor play areas must provide a means of shade such as shade tree(s) or pavilion(s).

Section 1216 Child Care, In Home

- A. In Home Child Care shall be permitted by right in the (R-L), (R-1), (R-2) and (V) districts. The child care shall be limited to six (6) children not related by legal marriage, birth or adoption.

Section 1217 Continuing Care Retirement Community

- A. Continuing Care Retirement Facility shall be permitted in the (V) District by right, all subject to the following criteria:
1. The continuing care retirement community is designed primarily for persons aged 55 and over.
 2. The following uses shall be permitted as principal uses within the continuing care retirement community.
 - a. Residential uses:
 - b. Long-term care nursing centers.
 - c. Personal care centers.
 - d. Single-family detached dwellings.
 - e. Single-family semi-detached dwellings.
 - f. Single-family attached dwellings.
 - g. Multi-family dwellings.
 - h. Public uses:
 - (1) Public park, recreational areas and greenways.
 - (2) Public libraries and community activity buildings.
 - (3) Recreation areas and structures operated for the benefit or use of the community.
 - i. Institutional uses: churches and similar places of religious worship.
 3. The following uses shall be permitted as accessory uses in the continuing care retirement community for the use of residents and guests:
 - a. Accessory service uses:
 - (1) Adult and child day care
 - (2) Dispensaries
 - (3) Medical facilities
 - (4) Common dining facilities

- (5) Group recreation facilities
 - b. Accessory commercial uses:
 - (1) Banks and financial institutions
 - (2) Florists, stationery and gift stores
 - (3) Food and beverage stores
 - (4) Personal care services
 - (5) Restaurants
 - (6) Hobby, book, and music stores
 - c. Each accessory use shall be located in a building occupied by residential uses or in a community activities building.
 - d. Each accessory commercial use shall not exceed 2,500 square feet of net floor area (for accessory commercial uses, net floor area as defined herein shall also exclude food preparation areas and lavatories).
 - e. The total area reserved of commercial accessory uses shall not exceed 4% of the total land area, including buildings, sidewalks, open space, access drives and parking, and no more than 25,000 square feet, whichever is less.
4. Continuing care retirement communities shall meet the following area, density, coverage and yard requirements:
- a. Maximum density for residential units shall be 18 units per acre.
 - b. Maximum impervious lot coverage shall be 60%.
 - c. Minimum vegetative coverage shall be 40%.
 - d. Yards shall meet the following minimum setback requirements.
 - (1) Front yard: 25 feet.
 - (2) Side yards: 25 feet.
 - (3) Rear yard: 25 feet.
 - e. More than one building on a single lot shall meet the following minimum interior yard spacing requirements:
 - (1) Front to front: 70 feet.
 - (2) Front to side: 50 feet.
 - (3) Front to rear: 40 feet.

- (4) Side to rear: 20 feet.
 - (5) Side to side: 15 feet.
 - (6) Rear to rear: 30 feet.
 - (7) Corner to corner: 20 feet.
- f. Staging of development. When the continuing care retirement community is to be developed in stages, the following criteria must be met:
- (1) The land development plan presented to Mount Holly Springs Borough must show the approximate location and type of use for each stage of the development.
 - (2) If nonresidential uses will be a part of the development, the sequencing shall be shown so that not all residential development is constructed prior to the construction of the nonresidential development, unless the development involves an existing continuing care retirement community that already includes existing nonresidential components, in which case the staging requirement would not apply.
5. Public water and public sewer shall be required.
6. A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use, arrangement of plant materials and installation by the developer. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants.
- a. The plan shall indicate the extent in which existing vegetation will be preserved for landscaping purposes.
 - b. When deemed necessary by Mount Holly Springs Borough Council, earthen berms shall be incorporated into the landscaping plan along public street frontage and along property lines abutting existing dwellings.
 - c. Landscaped areas shall be continually maintained by the landowner or retirement community association. Care, grooming, and replacement of plants shall be included as part of the required maintenance. Failure to adequately maintain landscaped areas shall be subject to a citation issued by Mount Holly Springs Borough.
 - d. In addition to landscape elements, the plan shall include the layout of walkways, lighting in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance and recreation areas throughout the development for the safety and security of the residents.
 - (1) Entrances to dwelling units shall be provided with all-weather walkways to parking and refuse collection points.
 - (2) The development shall have shaded sidewalks or shaded paved walking paths throughout the development.

- (3) The layout and design of pedestrian-level street lighting shall be provided throughout the development and parking areas.
 - e. Parking areas within the continuing care retirement community shall be adequately landscaped in order to provide shade, to screen vehicles from public streets, and to reduce glare and noise within the development itself, and shall be designed in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance.
 - f. Buffers shall be in accordance with this Ordinance.
7. The continuing care retirement community shall provide proof that all applicable state, county and municipal licenses have been obtained.

Section 1218 Convenience Store with Gas Dispensing

- A. In the (G-C) District, Convenience Stores with Gas Dispensing are permitted by right, subject to the following conditions:
 1. The minimum lot size shall conform to the zoning district regulations.
 2. All height, setback and coverage standards shall be in accordance with the zoning district in which the use is located.
 3. A site circulation plan shall be provided that depicts the separation of fueling service, gasoline service station areas and convenience store areas. The plan shall show the location and dimensions of all structures, fuel pumps and location of the tank field; the location and dimensions of parking, landscaping areas and signage; and the description of internal circulation and access, in accordance with the standards herein.
 4. Driveway locations shall be in accordance with this Ordinance. Minimum setback for access drives shall meet the following standards:
 - a. From the intersection of street right-of-way lines: 40 feet;
 - b. From the side lot line: 10 feet;
 - c. Minimum width of access drive: 12 feet;
 - d. Maximum width of access drive: 35 feet;
 - e. Minimum separation of drives on same lot: 25 feet.
 5. Motor vehicles shall not be permitted to be parked on sidewalk areas.
 6. Minimum setback of fuel pumps from parking areas shall be 20 feet.
 7. Outdoor lighting shall be in accordance with this Ordinance.
 8. Fuel delivery shall not impede traffic-flow patterns.

Section 1219 Day Care Facilities, Commercial

- A. Within the (V) and (G-C) Districts, Commercial Day Care Facilities are permitted by right subject to the following criteria:
1. An outdoor play area shall be provided, at a rate of sixty five (65) square feet per individual enrolled. Off street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard. Additionally, outdoor play areas shall be located and designed so as not to disrupt normal activities of adjoining uses. There shall be a minimum of a four foot (4') high fence with screening to screened from adjoining residentially used or zoned properties. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
 2. Enrollment shall be defined as the largest number of persons and/or children under day care supervision at any one time during a seven day period;
 3. Passenger "drop off" and "pick up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site;
- B. All commercial day care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

Section 1220 Distilleries, Breweries, Pickling Processes and Sugar Refineries

- A. Within the (I) District, Distilleries, Breweries, Pickling Processes and Sugar Refineries are permitted by right, subject to the following criteria:
1. The applicant shall provide a detailed written description of the proposed use in each of the following topics:
 - a. The nature of the on-site operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by products. In addition, the applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 - b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;
 - c. Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels regulated by applicable laws and ordinances;
 - d. A traffic impact report prepared by a professional engineer, according to the Mount Holly Springs Borough Subdivision and Land Development Ordinance.

Section 1221 Drive-Thru Facilities

- A. Within the (G-C) District, Drive Thru Facilities shall be permitted by special exception, subject to the following criteria:
1. The subject property shall front on an arterial or collector road;
 2. Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter;
 3. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence;
 4. The applicant is encouraged to match the architecture of the site to that of the neighborhood.
 5. Ingress and egress standards shall meet the requirements of the Mount Holly Springs Subdivision and Land Development Ordinance.
 - a. The minimum distance of any driveway to property line shall be 10 feet.
 - b. The minimum distance of a driveway into the site from a street intersection shall be 60 feet, measured from the intersection of the street right-of-way to the nearest end of the curb radius.
 - c. The angle of driveway intersection with the street shall be based upon safe traffic movements and shall be approved by the Municipal Engineer.
 - d. Drive-in facilities adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
 6. All drive-in facility buildings and structures shall be designed and planned to take advantage of and be compatible with natural features of the site and area.
 7. Outdoor lighting shall be contained on site.
 8. All drive-through windows shall be separated from the parking lot's interior driveways and have stacking lanes of at least 100 feet in length for pharmacies and financial institutions and 160 feet for fast-food businesses.
 9. Outside speakers shall not be audible from any residential area.
 10. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.
 11. A traffic study is required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum the following study elements:
 - a. A study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to the development and nearby areas.

- b. The traffic study shall be completed in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance requirements.

Section 1222 ECHO Housing

- A. Within the (R-L), (R-1) and (R-2) Districts ECHO Housing is permitted by special exception and in the (V) District by right, subject to the following criteria:
 - 1. The ECHO Housing may not exceed 1,000 square feet of floor area;
 - 2. The total building coverage for the principal dwelling, any existing accessory structures and the ECHO Housing together shall not exceed the maximum requirement for the District in which the ECHO housing is located;
 - 3. The ECHO Housing shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption;
 - 4. The ECHO Housing shall be occupied by a maximum of two (2) people;
 - 5. Utilities
 - a. For public sewer and water supply and all other utilities, the ECHO housing shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and
 - b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Mount Holly Springs Borough Council showing that the total number of occupants in both the principal dwelling and the ECHO Housing will not exceed the maximum capacities for which the one unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on site sewer system shall comply with the Mount Holly Springs Borough On-Lot Management Ordinance.
 - 6. The ECHO Housing shall not be permitted in the required front yard setback and shall adhere to all side and rear yard setback requirements for principal uses.

Section 1223 Family Care Facility

- A. A Family Care Facility shall be permitted by right in the (G-C) District, subject to the following:
- B. The following information shall be provided to Mount Holly Springs Borough prior to the issuance of a building permit or certificate of occupancy:
 - 1. In a narrative form, a statement of the proposed use, including its location, number of residents, name telephone number and contact person of the sponsoring agency.
 - 2. A statement and verification that all required approvals, permits and licenses have been granted from the federal, state and county governments and other public agencies.
 - 3. The family care facility shall comply with all zoning regulations in the district in which the family care facility is located.

4. All information required for the issuance of a building permit.
 5. No family care facility shall be established within 1,000 feet of another family care facility or group home.
 6. The family care facility shall maintain a similar appearance, condition and character to the existing dwellings in the immediate vicinity of the family care facility.
 7. Occupants of the family care facility shall live as a family unit.
 8. Under no circumstances shall any uses qualifying for or falling under the definition of a "halfway" house be considered a family care facility.
- C. A family care facility shall be limited to six (6) residents who are not related by legal marriage, birth or adoption.

Section 1224 Farmers Market and/or Flea Market

- A. Within the (V) and (G-C) Districts, a Farmers Market and/or Flea Market are permitted by right, subject to the following criteria:
1. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor area as listed above;
 2. Exterior retail sales area shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment;
 3. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Article 14 of this Ordinance;
 4. All outdoor display and sales of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset;
 5. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties; and,
 6. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

Section 1225 Forestry Operations

- A. To encourage maintenance and management of forested or wooded open space and promote the conduct of Forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the Pennsylvania Municipalities Planning Code, as amended, Forestry shall be a permitted use by right in all zoning districts. The following standards apply to all timber harvesting within the municipality where the value of trees, logs, or other timber products removed exceed one thousand dollars (\$1,000.00). These provisions do

not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

- B. Policy and Purpose. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of Mount Holly Springs Borough to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations are intended to further this policy by promoting good forest stewardship, protecting the rights of adjoining property owners, minimizing the potential for adverse environmental impacts, and avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
- C. Notification and Preparation of a Logging Plan.
1. For all timber harvesting operations, the landowner shall notify the Mount Holly Springs Borough Zoning Officer at least ten (10) business days before the operation commences and within ten (10) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
 2. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site all times during the operation and shall be provided to the Mount Holly Springs Borough Zoning Officer upon request.
 3. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
 4. An erosion and sedimentation pollution control plan must be approved by the Cumberland County Conservation District. Documentation of such approval is required prior to the beginning of any timber harvest activities.
- D. Contents of the Logging Plan. As a minimum the logging plan shall include the following:
1. The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 2. The design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
 3. The design, construction, and maintenance of stream and wetland crossings;
 4. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
 5. A sketch map or drawing containing the site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within the property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of water of the Commonwealth;

and the general location of the proposed operation to municipal and state highways, including any accesses to those highways.

6. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. 691.1 et seq; and Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. 693.1.et seq.)
 7. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified above provided all information required is included or attached.
- E. Forest Practices. The following requirements shall apply to all timber harvesting operations in Mount Holly Springs Borough.
1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of Mount Holly Springs Borough or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 2. No tops or slash shall be left within twenty-five (25') feet of any public thoroughfare or private roadway providing access to adjoining residential property.
 3. All tops and slash between twenty-five (25') and fifty (50') feet of any public roadway or private roadway providing access to adjoining residential property or within fifty (50') feet of adjoining residential property shall be lopped to a maximum height of four (4') feet above ground.
 4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 5. No tops or slash shall be left within fifty feet (50') of any perennial or intermittent stream or the designated floodplain of any stream, whichever is greater.
 6. No harvest of trees shall occur within fifty feet (50') of any perennial or intermittent stream.
 7. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- F. Responsibility for Road Maintenance and Repair: Road Bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the land owner and the operator shall be responsible for repairing any damage to Mount Holly Springs Borough roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.
- G. Enforcement. The Mount Holly Springs Borough Zoning Officer shall be the enforcement officer for the standards set forth herein.
- H. Inspections. The Mount Holly Springs Borough Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to review the logging plan or any other

required documents for compliance with the standards and inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

- I. Violations Notices; Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of these standards and regulations, the Mount Holly Springs Borough Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Mount Holly Springs Borough Zoning Officer may order the immediate suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice violation; the operation is proceeding without a logging plan; or the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the owner, and shall remain in effect until, as determined by the Mount Holly Springs Borough Zoning Officer, the operation is brought into compliance with the regulations herein or other applicable states or regulations. The land owner or the operator may appeal an order or decision of an enforcement officer, within thirty (30) days of issuance, to the Mount Holly Springs Borough Council.
- J. Penalties. Any landowner or operator who violates any provision of these regulations; refuses to allow the Mount Holly Springs Borough Zoning Officer access to a harvest site or who fails to comply with a notice of violation or suspension order is guilty of a summary offense and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), plus costs, for each separate offense. Each day of continued violation of any provisions shall constitute a separate offense.

Section 1226 Funeral Homes, Mortuaries and Crematoriums

- A. Within the (R-1) and (V) Districts, Funeral Homes or Mortuaries excluding crematories shall be permitted by special exception, subject to the criteria below. Within the (G-C) District, funeral homes, mortuaries and crematoriums are permitted by right, subject to the following criteria:
 - 1. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations; and,
 - 2. Parking shall be designed to prevent traffic backups onto adjoining roads.
 - 3. A one hundred foot off-street stacking area for the formation of the funeral procession shall be provided on the site.
 - 4. No funeral procession will be allowed to form on public streets.

Section 1227 Golf Courses

- A. Within the (R-L) District, Golf Courses are permitted by special exception subject to the following criteria:
 - 1. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, or public street, access drive, or driveway;
 - 2. All golf course buildings shall be set back seventy-five (75') from any adjoining roads and one hundred feet (100') from adjoining residential structures or parcels;
 - 3. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:

- a. Clubhouse, which may consist of:
 - (1) Restaurant, snack bar, lounge, and banquet facilities;
 - (2) Locker and restrooms;
 - (3) Pro shop;
 - (4) Administrative offices;
 - (5) Golf cart and maintenance equipment storage and service facilities;
 - (6) Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
 - (7) Game rooms, including card tables, billiards, ping-pong, video games, pinball machines, and other similar table games; and,
 - (8) Babysitting rooms and connected fence enclosed play lots.
- b. Accessory recreation amenities located outside of a building, including:
 - (1) Driving range, provided that the applicant shall furnish expert evidence that all lighting has been arranged to prevent glare on adjoining properties and streets;
 - (2) Practice putting greens;
 - (3) Swimming pools;
 - (4) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - (5) Bocce ball, croquet, shuffleboard and horseshoe pits;
 - (6) Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - (7) Hiking, biking, horseback riding, and cross-country ski trails; and,
 - (8) Playground equipment and play lot games, including 4-square, dodgeball, tetherball, and hopscotch
- c. Freestanding maintenance equipment and supply buildings and storage yards.
 - 4. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred feet (100') and be screened from adjoining residential structures and roads;
 - 5. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads;
- B. The minimum lot area shall be not less than: 45 acres for a par 3, 18 hole course; 60 acres for a 9 hole or executive golf course; and 100 acres for a regulation 18 hole course.

- C. A golf course may include the following accessory uses:
 - 1. A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.
 - 2. Golf cart maintenance and equipment storage and service facilities. No outdoor maintenance or storage of golf carts shall be permitted.
 - 3. Practice putting greens and driving range, without outdoor lighting.
- D. The construction of a golf course shall be considered a “development” and subject to all appropriate requirements of Mount Holly Springs Borough and the Subdivision and Land Development Ordinance.
- E. All applicants shall submit plans to the Municipal Engineer and the Cumberland County Conservation District at least 30 days before the public hearing. In addition to requirements of the Mount Holly Springs Borough Subdivision and Land Development Ordinance, the plans shall include the following information:
 - 1. Earthmoving and erosion-control management;
 - 2. Runoff controls for herbicides, pesticides, fungicides, and fertilizer, and plans for disposal of the containers for those items;
 - 3. Water use plan, including emergency condition usage;
 - 4. Wastewater treatment and disposal plan;
 - 5. Traffic study. A traffic study shall be submitted by the applicant in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance. The traffic study shall include at a minimum the following study elements:
 - 6. Mosquito control; and
 - 7. Nutrient plan to ensure no excess nitrates, herbicides, pesticides, fungicides or other fertilizer is used; when alternatives that are less potentially harmful to the environment are available, they shall be used.
- F. Any points when the golf course crosses a road(s), driveway or parking lot shall be signed, warning motorists and pedestrians, and any private road shall contain speed bumps.
- G. In addition to the setback regulations of the district in which the use is located, the following setback regulations shall be required.
 - 1. Fairways and greens shall be set back a minimum of:
 - a. One hundred and fifty feet from any residential structures. For undeveloped residential lots abutting the golf course, the one hundred fifty foot setback shall be measured from the closest setback line of the abutting property and common property line.
 - b. Fifty feet from any nonresidential lot line of an abutting property or the existing street right-of-way line.
 - 2. All accessory uses of the golf course shall be set back at least 100 feet from all lot lines.

3. All golf course buildings shall be set back 100 feet from any adjoining roads and parcels.
4. Parking shall be set back at least 30 feet from any adjoining lot lines, be paved with asphalt, and screened from adjoining residentially zoned or used property in accordance with Article 11 of this ordinance, and as set forth in the Mount Holly Springs Borough Subdivision and Land Development Ordinance. The number of required parking spaces shall be the amount required for the golf course plus accessory uses.

Section 1228 Group Home

- A. A Group Home is permitted by right in the (R-1) and (V) Districts. The following information shall be provided to the Mount Holly Springs Borough Zoning Officer prior to the issuance of a building permit.
1. In a narrative form, a statement of the proposed use, including its location, number of residents, name, telephone number and contact person of the sponsoring agency.
 2. A statement that all required approvals, permits and licenses have been granted from the federal, state and county governments or other public agencies.
 3. The group home shall comply with all zoning regulations in the district in which the group home is located.
 4. All other information that is required by the Mount Holly Springs Borough Zoning Officer prior to issuing a building permit shall be provided to Mount Holly Springs Borough.
 5. The group home shall maintain a similar appearance, condition and character to the existing dwellings in the immediate vicinity of the group home.
 6. Occupants of the group home shall live as a family unit.
 7. Under no circumstances shall any uses qualifying for or falling under the definition of "halfway house" be considered a group home.

Section 1229 Halfway House

- A. Halfway Houses shall be permitted in the (R-L) and (R-1) Districts by conditional use, subject to the following criteria;
1. A halfway house must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to Mount Holly Springs Borough prior to beginning the use.
 2. A halfway house shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.
 3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
 4. The residents of the halfway house shall reside on the premises to benefit from the services provided.

5. The halfway house shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, day-care center or public library.
6. The halfway house shall not be located within 1,000 feet of another halfway house.
7. Each conditional use or special exception application shall be accompanied by a statement describing the following:
 - a. The composition of the halfway house;
 - b. The policies and goals of the halfway house and the means proposed to accomplish those goals;
 - c. The characteristics of the residents and number of residents to be served;
 - d. The operating methods and procedures to be used; and
 - e. Any other facts relevant to the proposed operation of the halfway house.
8. Any use permit granted for the halfway house shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new hearing before the Zoning Hearing Board.

Section 1230 Heavy Equipment Sales, Service and/or Repair Facilities

- A. Within the (I) District, Heavy Equipment Sales, Service and/or Repair Service Facilities are permitted by right, subject to the following criteria:
 1. All service and/or repair activities shall be conducted within a completely enclosed building;
 2. All exterior storage and/or display areas shall be screened from adjoining land within the (R-L), (R-1), (R-2) and (V) Districts. All exterior storage/display areas shall be set back at least fifty feet (50') from adjoining street lines and shall be covered in an all-weather, dust free surface;
 3. The storage of junked vehicles, boats, machinery, trucks, trailers, manufactured houses and heavy equipment vehicles on the property is prohibited;
 4. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining land within the (R-L), (R-1), (R-2), and (V) Districts;
 5. All vehicles shall be repaired and removed promptly from the premises.
- B. The applicant shall furnish evidence that the storage and disposal of all materials will be accomplished in a manner that complies with State and Federal regulations.

Section 1231 Historic Structures Conversions

- A. Within all Districts, Historic Structure Conversions are permitted by conditional use subject to the following criteria:
 1. The new use shall be permitted by right, conditional use or special exception in the District in which the historic structure is located.

2. The applicant shall furnish expert evidence that any alterations, improvements, extensions, additions or other modifications proposed to the historic structure will be accomplished in a manner that does not jeopardize the “historic” status of the structure.
3. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
4. The applicant shall obtain any necessary land development approvals.
5. All off-street parking and/or loading areas shall be screened from adjoining residences.
6. One (1) sign shall be permitted which is no larger than six (6) square feet and is located at least ten feet (10’) from all lot lines or affixed to the front of the building.
7. Historic Restaurant Conversions: Historic restaurant conversions shall not involve drive thru restaurant operations.
 - a. All restaurant seating shall be provided within the completely-enclosed building, except that limited exterior seating maybe provided if:
 - (1) Such seating is situated and designed so as not to adversely impact nearby residences.
 - (2) Such seating is accessory to the principal interior seating accommodations.
 - (3) During use, such seating is continuously supervised by an employee or owner of the restaurant.
 - (4) Any lighting or music systems servicing such seating is designed and operated so as not to constitute a nuisance to adjoining properties;
 - (5) The applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.
 - (6) Such seating is removed during seasons when not in use.
8. Historic Conversion Apartment: All dwelling units within the historic conversion apartment building shall contain at least four hundred (400) square feet of habitable floor area.
 - a. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
 - b. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
9. Historic Office Conversions are permitted and must follow the same criteria as Historic Conversion Apartment.

Section 1232 Home Improvement and/or Building Supply Stores

- A. Within the (G-C) District, Home Improvement and Building Supply Stores are permitted by right, subject to the following criteria:
1. If the subject property contains more than two (2) acres, it shall front along an arterial or collector road;
 2. The retail sales area shall be all areas open for public display, including but not limited to shelves, racks, bins, stalls, tables, and booths, plus any adjoining aisles or walkways from which consumers can inspect items for sale. The retail sales area shall include both interior and exterior areas as listed above;
 3. All exterior retail sales areas shall include a paved or dust free surface.
 4. All exterior storage and retail sales areas (exclusive of nursery and garden stock) shall be screened from adjoining residential properties
 5. The applicant shall furnish expert evidence that any exterior amplified public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site.
 6. Any drilling, cutting, sawing, mixing, crushing or other preparation of building materials shall be conducted within a completely enclosed building.

Section 1233 Home Occupations

- A. Within the (R-L), (R-1), (R-2) and (V) Districts, Home Occupations shall be permitted by right subject to the following criteria:
1. The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling.
 2. The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 3. The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 4. The Applicant shall provide evidence that adequate parking will be provided.
 5. The use shall not require delivery or pickup by tractor-trailer trucks.
 6. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 7. No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types

and amounts typically found on a residential property. The use shall not involve the storage or use of “toxic” or “highly hazardous” substances.

8. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
9. Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
10. The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
11. See Home Occupation Sign requirements in Article 13.
12. The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
13. Retail sales shall be limited to sales that are clearly accessory to the primary residential use.
14. If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance. In any case, no more than one non-resident employee shall be allowed to work on site at one time.

Section 1234 Hospitals

- A. In the (G-C) District Hospitals shall be permitted by right, subject to the following criteria:
 1. The facility operator shall meet all state and federal rules and regulations for health-care facilities.
 2. All applicants shall provide evidence that the hospital will be conducted in a manner that will not be detrimental to neighboring property owners.
 3. Minimum lot area: five acres
 4. Minimum street frontage: 300 feet
 5. Public sewer and public water shall be used
 6. The subject property shall have frontage along an arterial or collector street
 7. All height, area, setback and coverage standards within the underlying district shall apply.
 8. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned or utilized properties.
 9. A traffic study shall be submitted by the applicant in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance. The traffic study shall include at a minimum the following study elements:
 - a. A study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to the development and nearby areas.

- b. A description of the location of bus stops to be conveniently accessible for patrons traveling to and from the site by bus. The location for a bus stop must be provided even if current bus service is unavailable. The bus stop area shall include a shelter, seating, waste receptacle, and shaded area.
10. The institution shall submit a copy of its emergency operations plan (EOP) to the Mount Holly Springs Borough Emergency Management Agency Coordinator. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling, including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with state and federal regulations.

Section 1235 Hunting, Fishing, Skiing, and Boating Lodges

- A. Within the (R-L) District, Hunting, Fishing, Skiing, And Boating Lodges are permitted by special exception, subject to the following criteria:
 1. All off-street parking shall be set back at least thirty feet (30') from any adjoining land within the (R-1), (R-2) and (V) Districts.
 2. Outdoor recreation/activity areas shall be set back at least fifty feet (50') from all property lines. No shooting ranges shall be permitted unless approved under the provisions of this Ordinance;
 3. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
 4. One (1) sign, not to exceed ten (10) square feet, shall be permitted.

Section 1236 Junkyards

- A. Within the (I) District, Junkyards are permitted by special exception, subject to the following criteria:
 1. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight foot (8') high, sight-tight fence which shall be set back at least fifty feet (50') from all property lines and one hundred feet (100') from properties within the (R-1), (R-2) or (V) Districts. A landscaped visual barrier will be provided adjacent to a residential use or District;
 2. The setback area between the fence and the lot lines shall be kept free of weeds.
 3. All completely-enclosed buildings used to store junk shall be set back at least fifth (50') from all property lines.
 4. No material may be stored or stacked so that it is visible from adjoining properties and roads.
 5. All Federal and State laws shall be satisfied.
 6. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight feet (8').
 7. No materials shall be burned at any time.

8. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.
9. No junkyard shall be located on land with a slope in excess of five percent (5%).
10. All junked vehicles shall be emptied of fuel, oil and other petroleum products, air conditioning fluid, anti-freeze, and batteries.

Section 1237 Laundromat, Dry Cleaning Establishment

- A. Within the (V), (I) and (G-C) Districts, Laundromat and Dry Cleaning Establishments are permitted by right, subject to the following criteria:
1. All activities shall be conducted within a completely enclosed building;
 2. All windows and doors or walls facing adjoining residential Districts shall be kept closed;
 3. Laundry and dry cleaning establishments shall be intended for personal use only.
 4. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned or used property.

Section 1238 Mobile / Manufactured Home Parks

- A. Mobile / Manufactured Home Parks shall be permitted in the (R-2) District by right, subject to the following criteria:
1. A mobile home park or manufactured home park shall only include homes of single or multiple widths, but shall not include travel trailers or motor homes.
 2. Any parcel to be used as a mobile / manufactured home park shall have a minimum tract area of twenty-five (25) acres.
 3. Mobile / Manufactured Home Parks shall be designed to protect sensitive features to the greatest extent as possible. Sensitive features include rights-of-way (roads and utilities), wetlands, floodplains, steep slopes and rock outcroppings.
 4. The total number of lots and/or units in a mobile/manufactured home park shall not exceed a maximum density of four (4) lots and/or units per acre.
 5. Yard and area regulations:
 - a. No mobile / manufactured home or other primary building may be located closer than 35 feet (35') to any boundary of the mobile / manufactured home park, regardless of whether the boundary abuts a lot, water body, road or other right-of-way.
 - b. No mobile / manufactured home lots shall be less than 55 feet in width at the building setback line.
 - c. All mobile / manufactured home lots shall have a minimum lot size of 5,000 square feet.

- d. No individual mobile / manufacture home lot shall be less than twenty five feet (25') in width at the right-of-way line or the edge of pavement of a private street.
- e. The maximum coverage of any individual mobile / manufactured home lot by all primary and accessory buildings and structures, including covered patios and decks, shall not exceed twenty five percent (25%).
- f. Minimum structure setbacks:
 - (1) Front yard: In no case shall a mobile / manufactured home be located closer than the required front yard setback of the underlying zoning district from a public or private street right-of-way. No more than six homes in a row shall have the same front setback. Where varied setbacks are implemented, the difference shall be at least four feet (4').
 - (2) Side and rear yards: No mobile / manufactured home or accessory building shall be located closer than 10 feet to any side or rear line of an individual mobile / manufactured home. Side and rear setbacks for adjoining lots which are not part of the mobile/manufactured home park shall comply with the underlying zoning district.
 - (3) Mobile / manufactured homes and roof structures of areas attached thereto shall be separated from each other and from other buildings, other than accessory structures, at their closest points by a minimum of twenty feet (20'); provided, however that whenever two mobile /manufactured homes have their longer sides parallel or essentially parallel to each other for more than 25% of the length of either, the minimum distance between the two mobile / manufactured homes shall be thirty feet (30').
- 6. The development of all mobile / manufactured home parks shall conform to the Mount Holly Springs Borough Subdivision and Land Development Ordinance.

Section 1239 Motels or Hotels (including Conference Facility)

- A. Within the (R-L), (G-C) and (V) Districts, Motels or Hotels (Including Conference Facility) are permitted by conditional use, subject to the following criteria:
 - 1. Minimum lot area shall comply with the underlying zoning district.
 - 2. All buildings and structures, with the exception of a surface parking lot, shall be set back a minimum of thirty feet (30') from any lot line.
 - 3. A landscape plan shall be required, prepared by a landscape architect licensed by the Commonwealth of Pennsylvania. All areas of the development not covered by impervious surfaces, forest or meadow areas, shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved.
 - a. Landscaped areas shall be continually maintained. Care, grooming and replacement of dead plants shall be included as part of the required maintenance.

Section 1240 Outdoor Cafe

- A. In the (R-L), (V) and (G-C) Districts, Outdoor Cafés shall be permitted by right as an accessory to a permitted restaurant, conference facility, or establishment which serves food, subject to the following criteria:
1. The utilization of sidewalk space beyond the building line, as well as the use of lawn or yard area, including decks, patios or porches, shall be permitted to accommodate the serving of food to patrons fronting on that space. The use of the sidewalk shall consist of tables and chairs set in front of the restaurant or establishment permitted to serve food to patrons. There shall be some type of partition which shall separate the outdoor café from the public portion of the sidewalk.

Section 1241 Recreational Facilities

- A. Outdoor Recreation Areas
1. Parking shall be required as shall be determined to be necessary for the use and site by the Mount Holly Springs Borough Council or Zoning Hearing Board.
 2. A buffer yard of 30 feet in width and a screen planting, of a height and type as approved by the Mount Holly Springs Borough Council or Zoning Hearing Board shall be provided.
 3. Where an outdoor recreational use other than a golf course adjoins a residential district or residential use, trees and shrubs must be planted on the site of the recreational use so as to form an effective visual barrier between the recreational use and the residential use or district.
 4. A traffic study is required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.
- B. Public and Non-Profit Parks and Playgrounds
1. Parking shall be required as shall be determined to be necessary for the use and site by the Mount Holly Springs Borough Council or Zoning Hearing Board.
 2. A buffer yard of 30 feet in width and a screen planting, of a height and type as approved by the Mount Holly Springs Borough Council or Zoning Hearing Board shall be provided.
 3. Where an outdoor recreational use other than a golf course adjoins a residential district or residential use, trees and shrubs must be planted on the site of the recreational use so as to form an effective visual barrier between the recreational use and the residential use or district.

Section 1242 Power Generation Facilities

- A. Power Generating Facility shall be permitted in the (I) District by special exception, subject to the following criteria:
1. Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the use is located.

2. Outdoor storage and waste disposal.
 - a. No material or wastes shall be deposited upon a site in such form or manner that they may be transferred off site by natural causes or forces.
 - b. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.
 3. Landscape requirements:
 - a. The landscape provisions in this Ordinance are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year-round landscape, and to provide for the mitigation of environmental impacts. The landscape requirements shall be as provided in the Mount Holly Springs Borough Subdivision and Land Development Ordinance. Where conflict exists between this Ordinance and the Mount Holly Springs Borough Subdivision and Land Development Ordinance with regards to landscape requirements, the most restrictive shall apply.
 - b. Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this Article.
 - c. Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.
 - d. Parking shall not be permitted in the landscape setback abutting any street.
- B. A written plan of access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. The owner's plan of action for emergency access to the building shall be submitted to the Mount Holly Springs Borough Emergency Management Agency Officer and the fire companies at the time of submission for a building permit.

Section 1243 Principal Waste Handling Facilities.

- A. Within the (I) District, Principal Waste Handling Facilities are permitted by special exception, subject to the following criteria:
1. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, etc.) shall be conducted within a wholly-enclosed building;
 2. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within five hundred feet (500') of any property line;
 3. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable. In addition, such areas must also be completely enclosed by an eight foot (8') high fence, with no opening greater than two inches (2") in any direction.
 4. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.

5. The use shall be screened from all adjoining properties.
6. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back-up onto public roads.
7. All access drives on the site shall be completely paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels. The operator shall be responsible for the removal of any dirt/mud deposited on the public right-of-way.
8. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations;
9. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to Mount Holly Springs Borough;
10. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator;
11. Any waste that is to be recycled shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building
12. All storage of waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than twenty-four (24) hours.
13. A contingency plan for the disposal of waste during a facility shutdown shall be submitted to Mount Holly Springs Borough.
14. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment may be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in any manner inconsistent with the Department of Environmental Protection's regulations.
15. All structures shall be set back at least a distance required by the underlying zoning district or equal to their height, whichever is greater;
16. The applicant shall submit an analysis of raw water from either private or public sources, indicating the quantity of water required. The applicant will provide a letter indicating that the public or private source will provide the water needed. In addition, if the facility is to rely upon non-public sources of water, appropriate permits will be required (i.e., Mount Holly Springs Borough, DEP, and SRBC). A water feasibility study shall be provided to enable Mount Holly Springs Borough to evaluate the impact of the proposed construction on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed construction and to estimate the impact of the new

construction on existing wells in the vicinity. The water feasibility shall be reviewed by the Mount Holly Springs Borough engineer.

- a. A water system which does not provide an adequate supply of water for the proposed construction, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed construction, shall not be approved by Mount Holly Springs Borough.
 - b. A water feasibility study shall include the following information:
 - (1) Calculations of the projected water needs.
 - (2) A geologic map of the area with a radius of at least one mile from the site.
 - (3) The location of all existing and proposed wells within one thousand feet (1,000') of the site, with a notation of the capacity of all high-yield wells.
 - (4) The location of all existing on-lot sewage disposal systems within one thousand feet (1,000') of the site.
 - (5) The location of all streams within one thousand feet (1,000') of the site and all known point sources of pollution.
 - (6) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - (7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
 - (8) A statement of the qualifications and the signature(s) of the person(s) preparing the study.
17. The applicant shall provide a qualified traffic impact report, as described in the Mount Holly Springs Borough Subdivision and Land Development Ordinance.
 18. A minimum one hundred foot (100') wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip.
 19. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill or waste materials during transport, and potential hazards regarding firefighting of waste materials upon the site;
 20. No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.
 21. Maximum building height thirty-five feet (35').
 22. Maximum height of fill fifty feet (50').

23. A plan for the restoration of all narrow areas shall be submitted for approval.
24. The hours of operation shall be limited to 7 a.m. to 7 p.m.

Section 1244 Private Club

- A. Within the (R-L), (R-1) and (R-2) Districts Private Clubs are permitted by conditional use, and by right in the (V), and (G-C) Districts, all subject to the following criteria:
1. Parking lots shall be screened from any lot lines of adjoining residences.
 2. All outdoor recreation/activity areas shall be set back at least fifty (50') from any property line. Shooting ranges are prohibited unless approved under Section 1255 of this Ordinance.
 3. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside the clubhouse.

Section 1245 Public Utility Buildings and/or Structures.

- A. Public Utility Buildings and Structures shall be permitted by right in all Districts, all subject to the following criteria:
1. The applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
 2. If located within a residential district, all buildings and structures shall be designed (to the extent possible) to have the exterior appearance of a residence.
 3. In any residential district, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall be screened from adjoining roads and all properties in accordance with this Ordinance.
 4. There shall be no specific minimum lot size; however, each lot shall provide front, side, and rear yard setbacks and comply with the maximum lot coverage requirements and impervious surface as prescribed in the underlying zoning district.
 5. Height regulations for the underlying zoning district shall be followed.
 6. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance or safety hazard beyond the subject property.

Section 1246 Quarry

- A. Quarries shall be permitted by conditional use in the (R-L) and (I) District.
1. As part of each application, the applicant shall furnish an accurate survey site plan, at a scale no less than one inch equal to 400 feet, showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be sealed by a registered professional engineer or a registered professional land surveyor and shall include the following:

- a. The boundaries of the proposed affected area, together with drainage area above and below the area.
 - b. The location and names of the types of resources to be extracted or quarried and names of all natural and man-made features, such as streams, roads, railroads, and utility lines, on or immediately adjacent to the area.
 - c. The location of all buildings within 1,000 feet of the parcel; and the names and addresses of the owners and present occupants; total acreage; names and addresses of adjacent landowners; and the location of rights-of-way and easements, abutting and/or adjacent zoning districts and land uses.
 - d. The purpose for which each building is used, and estimated depth of the proposed operation and land area to be excavated, with dimensions.
 - e. Proposed alterations to watercourses to assure stream quality and quantity.
 - f. Any proposed fencing and landscaping.
 - g. A contour map showing cross sections of any proposed quarry area, including a detailed hydrogeologic groundwater study based on complete site studies.
2. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Mount Holly Springs Borough Council or Zoning Hearing Board.
 3. The applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Zoning Hearing Board. If a conditional use or special exception is granted, the operator shall continue to present such documentation to Mount Holly Springs Borough when it is submitted to the Department of Environmental Protection.
 4. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 10993 No. 219, as amended, 52 P.S. paragraph 3301 et. seq., or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating mining, and the regulations of the Department of Environmental Protection implementing such statutes.
 5. A fence measuring eight feet high must enclose the area of actual quarrying or excavation. It shall not be less than 50 feet from the edge of excavation. The fence used shall have openings less than three inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from any quarry or excavation, with plantings (which shall be evergreen) at least 36 inches high and placed in a double-staggered row with no more than five feet on center between plants. The vegetation shall be of a variety to obtain a height of at least eight feet at maturity. Where adjacent to a residential district or public right-of-way, trees and shrubs shall be planted which will screen the operation completely from normal view. All screenings and buffers required by this Ordinance shall be provided.
 6. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall

submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as part of the study; and shall clearly set forth the conclusions and recommendations of the professional.

7. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gate, and other means to deny access at unauthorized times.
8. Vehicular access shall be designed so as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
9. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that waiting vehicles to be weighed will not backup onto public roads.
10. All access drives onto the site shall be paved to a cartway width of 35 feet for a distance of at least 200 feet from the street right-of-way line. In addition, a one-hundred-foot-long crushed-stone section of driveway shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may be attached to a vehicle's wheels. The owner/operator shall be responsible for any dirt/mud deposited on the public right-of-way.
11. The facility shall front upon, and gain access from, an arterial or collector, as defined in the Mount Holly Springs Borough Comprehensive Plan, as amended or Subdivision and Land Development Ordinance.
12. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site. A traffic study shall be submitted by the applicant in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance.
13. If the traffic study demonstrates that improvements to Mount Holly Springs Borough or State roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the applicant shall make and/or guarantee cost of such improvements.
14. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
15. The operator shall provide Mount Holly Springs Borough with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from the date such notice of violation was received by the operator.
16. There shall be no operations on Sunday or legal holidays and no operation between 7:00 p.m. and 7:00 a.m. on other days.
17. All mining operations shall comply with the following requirements:
 - a. Shall not injure or detract from the lawful existing or permitted use of neighboring properties.

- b. Shall not create any damage to the health, safety or welfare of Mount Holly Springs Borough or its residents or property owners.
 - c. Shall not pollute the air in excess of standards set by federal or state statutes or regulations.
 - d. Shall not create noises in excess of permitted levels established by federal or state statutes or regulations or Mount Holly Springs Borough ordinances.
 - e. Shall not exceed the blasting parameters established by the Pennsylvania Bureau of Mining and Reclamation.
 - f. Shall not permit vibrations perceptible as detected by the adjacent or adjoining landowners' natural innate sensory input at any adjoining or adjacent property in different ownership or at public rights-of-way.
 - g. Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission.
 - h. Shall not impede the flow of natural watercourses.
 - i. Shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in any quarries or excavations.
 - j. The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with the (municipality's) Building Construction Code and all other state and federal regulations applicable to the types of storage stated in this subsection.
18. At the time of application for a conditional use or special exception, an operations statement shall be submitted which shall include a detailed description of methods for satisfactorily handling operations with respect to the emission of noise, dust, blast, smoke, refuse matter or water, odor, gas, fumes or similar substances or conditions which may endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property beyond the property line. All such operations statements shall be in full compliance with all applicable state and federal statutes and regulations of this Ordinance. All pollution, soil erosion and sedimentation control, and other environmental problems created during the operation, including the production, transportation, processing, stockpiling, storage and disposal of products, by-products and wastes, shall be corrected by the operator.
19. At the time of application for a conditional use or special exception, a reclamation plan shall also be submitted setting forth the following information:
- a. An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries and legal description of the tract.
 - b. A description of the location, type, extent, methods and time schedule for the operation proposed.

- c. A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearing, demolition or restoration either during or following the completion of the operations proposed.
 - d. A plan for reuse of the land after completion of the operations which shall permit the carrying out of the purposes of this Article and appropriately provide for any restoration, reclamation, reforestation or other correction work deemed necessary and which shall comply with all applicable state and federal statutes and regulations governing the reclamation of the proposed facility.
20. As a condition of approval, the operator must certify that, after the termination of operations, he/she must rehabilitate the area to conform to the reclamation plan and all applicable federal and state statutes and regulations.
21. Within 90 days after the commencement of surface mining operations and each year thereafter, the operator shall file an operations and progress report with the Zoning Officer and Mount Holly Springs Borough Engineer setting forth the following:
- a. The name and address and telephone number of the operator.
 - b. The location of the operation with reference to the nearest public road.
 - c. A description of the tract or tracts, including a site plan showing the location of all improvements, stockpiles, quarry pits, etc.
 - d. The name and address of the landowner or his duly authorized representative.
 - e. An annual report of the type and quantity of material produced.
 - f. The current status of the reclamation work performed pursuant to the approved reclamation plan.
 - g. A maintenance report for the site verifying that all required fencing, berming and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance have been performed.
 - h. Verification that the proposed use continues to comply with all applicable state regulations. The operator shall furnish copies of any approved permits and/or any notices of violations issued by the Pennsylvania Department of Environmental Protection to the Zoning Officer and Mount Holly Springs Borough Engineer.
22. A five-hundred-foot setback shall be maintained from all property lines during the operation of any quarry or mine, within which quarrying or mining activities, including blasting and stone crushing, shall not be permitted.
23. No structures or parking areas shall be located closer than 100 feet to any property line.
24. Waste products or waste containers shall not be placed within required yards. All such containers shall be completely enclosed by a solid fence or wall.

25. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

Section 1247 Racetracks

- A. Within the (I) District, Racetracks are permitted by conditional use, subject to the following criteria:
 1. The minimum setbacks of all structures from public roads shall be 100 feet.
 2. Such facility shall be situated so that no residential use is located closer than 500 feet from any property line of the principal use at the time of approval.
 3. Access to such facility shall be by a paved road. All racetracks shall have direct access to an arterial or collector roadway, as identified in the Mount Holly Springs Borough Comprehensive Plan. Traffic shall not be directed through residential subdivisions or residential streets.
 4. Any lighting provided at such facilities shall be subject to the provisions of this Ordinance regarding outdoor lighting of the Mount Holly Springs Borough Zoning Ordinance.
 5. Accessory uses and/or structures may be permitted in conjunction with the principal use of the property, provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
 6. Noise from the racetrack shall not exceed 80 decibels at 100 feet from the racetrack property line.
 7. Hours of operation of the racetrack shall be between 9:00 a.m. and 9:00 p.m.

Section 1248 Recreation or Entertainment Facilities, Commercial

- A. Within the (G-C) District, Commercial Recreation or Entertainment Facilities except adult related uses and off track betting, are permitted by right, subject to the following criteria:
 1. If the subject property contains more than two (2) acres, it shall front on an arterial or collector road;
 2. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties;
 3. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty feet (50'). Furthermore, such structures shall not be used for occupancy;
 4. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution;
 5. Required parking will be determined based upon a combination of the types of activities proposed and the schedule listed in this Ordinance. In addition, an unimproved grassed overflow parking area provided for peak use periods may be required. Such overflow parking areas shall

be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads; and,

6. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads.
- B. If, at any time after the opening of the commercial recreation facility, Mount Holly Spring Borough determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, Mount Holly Springs Borough can require the applicant to revise means of access to relieve the undue congestion.

Section 1249 Recycling Facilities for Paper, Plastic, Glass, and/or Metal Products

- A. Within the (I) District, Recycling of Paper, Plastic, Glass and Metal Products is permitted by special exception permit, subject to the following criteria:
1. All operations, including collection shall be conducted within a completely-enclosed building.
 2. There shall be no outdoor storage of materials processed, used or generated by the operation.
 3. The applicant shall provide a written documentation of the scope of operation, and measures used to mitigate problems associated with noise, fumes, dust, and litter.
 4. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

Section 1250 Riding Schools and Stables

- A. Within the (R-L) District, Riding Schools and Stables are permitted by right, subject to the following criteria:
1. No more than 10 equine animals are kept with the exception that one additional equine animal may be kept for each additional acre of land over five acres.
 2. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and shall meet the following requirements:
 - a. The building shall not be erected or maintained within 300 feet of any lot line and 75 feet from any public or private road.
 - b. The building shall not be less than 200 square feet in size for each equine animal.
 3. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four-foot-high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.
 4. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

5. All parking compounds and unimproved overflow parking areas shall be set back at least 100 feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties. There shall be one space for each nonresident employee and one space for every two equine animals kept on the property.

Section 1251 Roadside Stands

- A. Roadside Stands for the sale of agricultural products grown on site shall be permitted by right as an accessory use in the (R-L), (V) and (G-C) Districts, subject to the following specific criteria:
 1. All structures used to display goods shall be no more than five hundred (500) square feet in size, and shall maintain a setback of fifteen (15) feet from the edge of the road right-of-way.
 2. A maximum of two signs shall be permitted and shall not exceed fifteen (15) square feet in total area, nor exceed a maximum height of fifteen (15) feet.
 3. Off-street parking shall be provided for all employees and customers.

Section 1252 Sawmills

- A. Within the (R-L) and (I) District, Sawmills are permitted by special exception, subject to the following criteria:
 1. All cutting, sawing, grinding, or other processing shall be conducted within a completely-enclosed building.
 2. No material shall be deposited or stored, and no building or structure shall be located within five hundred feet (500') of any property line.
 3. Any external area used for the unloading, transfer, storage, or deposition of material shall be completely screened from view at the property line. The use of an earthen berm is encouraged where practicable.
 4. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting will not back up onto public roads.
 5. All access drives onto the site shall be paved for a distance of at least two hundred feet (200') from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by person traveling to and from the site;
 6. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to Mount Holly Springs Borough.
 7. The hours of operation shall be limited to 7 a.m. to 5 p.m. No operations shall be permitted on weekends or legal holidays.

Section 1253 Schools

- A. Schools are permitted in the (R-L), (R-1) and (R-2) Districts by special exception, and in the (V) and (G-C) Districts by right, all subject to the following:
1. An outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a minimum four foot (4') high fence, and screened from adjoining land within the (R-1), (R-2), (R-L), or (V) Districts. Any vegetative materials located within the outdoor play areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade, such as a shade tree(s) or pavilion(s);
 2. Enrollment shall be defined as the largest number of students under educational supervision at any one time during a seven (7) day period.
 3. Passenger "drop-off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
 4. All educational uses shall be governed by the height and bulk standards imposed upon principal uses within the underlying District.
 5. Minimum setback requirements:
 - a. Front yard: 50 feet.
 - b. Side yard: 50 feet.
 - c. Rear yard: 50 feet.
 6. Minimum street frontage: 100 feet.
 7. Maximum building coverage: 30%
 8. Maximum lot impervious coverage: 70%
 9. Minimum vegetative coverage: 30%
 10. All off-street parking shall be set back at least 25 feet and screened from adjoining property lines.
 11. No part of the school property shall be located within 1,000 feet of a property containing an adult-related facility.
 12. The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting and similar features of the proposed use to minimize adverse impacts on adjacent properties.
 13. Existing trees and vegetation shall be preserved to the extent possible to keep the area natural.

Section 1254 Self-Storage

- A. Within the (G-C) District, Self-Storage is permitted by special exception, and in the (I) District by right, all subject to the following criteria:
1. If a manager/business office is established on the site, at least four parking spaces must be provided adjacent to the office.
 2. The servicing or repair of stored equipment shall not be conducted on the premises.
 3. No business activities, other than rental of storage units, shall be conducted on the premises.
 4. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
 5. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
 6. All access drives, parking and loading areas must be paved and shall be mud free.
 7. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lands shall be at least twenty-six feet (26') wide when storage units open onto one side of the lane only, and at least thirty feet (30') wide when storage units open onto both sides of the lane;
 8. External storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining land within the (R-1), (R-2), or (V) Districts and adjoining roads, and is located behind the minimum front yard setback line.
 9. An on-site manager shall be required and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. Any dwelling for a resident manager shall comply with all of those requirements listed within the (R-1) District, and shall be entitled to all residential accessory uses provided in this Ordinance;
 10. Commercial, wholesale or retail sales are prohibited.

Section 1255 [INTENTIONALLY OMITTED]

Section 1256 Slaughterhouse, Stockyard or Tannery

- A. Within the (I) District, a Slaughterhouse, Stockyard or Tannery are permitted by special exception, subject to the following criteria:
1. Minimum Lot Area: Five (5) acres;
 2. The subject site shall have access to a collector or arterial road;
 3. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely-enclosed building;
 4. All live animals held outside shall be within secure holding pens or runways, sufficiently large to accommodate all animals without crowding;

5. The applicant shall furnish a working plan for the recovery of escaped animals which minimizes the potential for animals to enter traffic or cross property lines, and which shall be continuously implemented;
6. All animal wastes shall be regularly cleaned up daily and properly disposed of, so as not to be objectionable at the site's property line;
7. The unloading of live animals from trucks into holding pens and their movement into the plant shall be to immediately identify and appropriately dispatch any obviously ill or injured animals;
8. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner so as to minimize noise levels;
9. The loading and unloading of trucks shall be restricted to the hours between 8 a.m. and 6 p.m.;
10. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred feet (200') of any property line nor five hundred feet (500') of any land within the (R-1), (R-2), (R-L) or (V) Districts;
11. All animal holding pens and/or areas used for the unloading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty foot (50') wide landscape strip;
12. Sewer and water lines shall be designed and installed to minimize the potential for leakage and contamination;
13. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed in any other manner inconsistent with PA DEP regulations.
14. All unusable animal by-products shall be stored indoors in leak and vector proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours;
15. The applicant must demonstrate written compliance with and continue to comply with, all applicable local, State and Federal standards and regulations;
16. The use shall provide sufficiently long stacking lanes and on-site loading/unloading areas so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road;
17. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with major collector or arterial roads;
18. All access drives onto the site shall have a paved minimum thirty-five foot (35') wide cartway for a distance of at least two hundred feet (200') from the street right-of-way. In addition, if portions of on-site access drives are unpaved, then a fifty foot (50') long gravel section of driveway shall be placed just beyond the preceding two hundred foot (200') paved section to help collect any mud that may have attached to a vehicle's wheels. The owner and/or operator

shall be responsible for removing any mud from public roads caused by persons traveling to and from the site; and,

19. The applicant shall furnish a traffic impact report prepared by a professional engineer in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance.

Section 1257 Solar Energy Systems

A. Accessory Solar Energy Systems (ASES): Regulations Applicable to All Accessory Solar Energy Systems:

1. ASES shall be permitted as a use by right in all zoning districts.
2. Exemptions
 - a. ASES with an aggregate collection and/or focusing area of 10 square feet or less are exempt from this ordinance.
 - b. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
3. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Borough of Mount Holly Springs, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Borough of Mount Holly Springs codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Borough of Mount Holly Springs in accordance with applicable ordinances.
4. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
5. The owner of an ASES shall provide the Borough of Mount Holly Springs written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
6. Glare
 - a. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
7. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
8. Decommissioning
- a. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 - b. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
9. Permit Requirements
- a. Zoning /building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
 - b. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
 - c. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.
- B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:
- 1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
 - 2. Solar panels shall not extend beyond any portion of the roof edge.
 - 3. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Borough of Mount Holly Springs that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:

1. Setbacks

- a. The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.
- b. A ground mounted ASES shall not be located in the required front yard.
- c. Mount Holly Springs Borough may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.

2. Coverage

- a. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
- b. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than 15% of the lot area.
- c. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.

3. Screening

- a. Ground mounted ASES shall be screened from adjoining residential uses or Districts according to the standards found in this ordinance.

4. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

5. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

D. Principal Solar Energy Systems (PSES): Regulations Applicable to All Principal Solar Energy Systems:

1. PSES shall be permitted by special exception use in the Industrial (I) Zoning District.

2. Exemptions

- a. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

3. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Borough of Mount Holly Springs and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
4. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
5. The owner of a PSES shall provide Mount Holly Springs Borough written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
6. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
7. Glare
 - a. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
 - b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
8. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
9. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Borough/Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
10. Decommissioning
 - a. The PSES owner is required to notify Mount Holly Springs Borough immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
 - b. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owners expense.

11. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
 12. Permit Requirements
 - a. PSES shall comply with the Borough/Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
- E. Ground Mounted Principal Solar Energy Systems:
1. Minimum lot size
 - a. The PSES shall meet the lot size requirements of the underlying zoning district.
 2. Setbacks
 - a. PSES shall comply with the setbacks of the underlying zoning districts for principal structures.
 3. Height
 - a. Ground mounted PSES shall comply with the accessory building height restrictions for the underlying zoning district.
 4. Impervious Coverage
 - a. The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious calculated in the lot coverage of the lot on which the system is located.
 - b. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.
 5. Ground mounted PSES shall be screened from adjoining residential uses or Districts according to the standards found in this ordinance.
 6. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
 7. Security
 - a. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.

- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
 - 8. Access
 - a. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.
 - b. At a minimum, a 20' wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
 - c. Access to the PSES shall comply with the access requirements in the Subdivision and Land Development Ordinance.
 - 9. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
 - 10. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- F. Roof and Wall Mounted Principal Solar Energy Systems:
- 1. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the township/borough that the roof or wall is capable of holding the load imposed on the structure.
 - 2. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

Section 1258 Solid Waste Processing and/or Disposal Facilities

- A. Within the (I) District, Solid Waste Processing and/or Disposal Facilities shall be permitted by special exception, subject to the following criteria:
- 1. The applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Mount Holly Springs Borough Council or Board of Zoning Appeals.
 - 2. The applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Mount Holly Springs Borough Council or Board of Zoning Appeals. If a conditional use or special exception is granted, the operator shall continue to present such documentation to the Mount Holly Springs Borough when it is submitted to the Pennsylvania Department of Environmental Protection.
 - 3. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General

Assembly regulating waste recycling and recovery, and the regulations of the Department of Environmental Protection implementing such statutes.

4. The minimum lot area shall be 50 acres for solid waste disposal facilities and 10 acres for solid waste processing facilities.
5. A fence measuring eight feet high shall enclose the facility. The fence used shall have openings less than three inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least 36 inches high and placed in a double-staggered row with not less than five feet on center between plants. The vegetation shall be evergreen and of a variety to obtain a height of at least eight feet at maturity. All screening shall be in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance, and buffer yards required shall be in accordance with this Ordinance. The use shall be screened completely from normal view.
6. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the Zoning Hearing Board a hydrogeologic study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with the accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
7. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.
8. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
9. Sufficiently long vehicle-stacking lanes (inspected and approved by the Municipal Engineer) into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.
10. All driveways onto the site shall be paved to a cartway width of 35 feet for a distance of at least 200 feet from the street right-of-way line. In addition, a one-hundred foot long crushed stone section of access drive shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may be attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.
11. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.
12. A traffic study shall be required in accordance with the Mount Holly Springs Borough Subdivision and Land Development Ordinance to demonstrate improvements to Mount Holly Springs Borough or state roads which shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network. The applicant shall make such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvement.

13. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
14. The operator shall provide the Mount Holly Springs Borough with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks form the date such notice of violation was received by the operator.
15. The applicant shall submit an operating schedule to Mount Holly Springs Borough for review by the Zoning Officer.
16. Litter control measures shall be implemented to prevent scattering of materials and a plan for the cleanup of litter shall be submitted to the Mount Holly Springs Borough Zoning Officer or other authorized municipal official.
17. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences.
18. A three-hundred-foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall be permitted.
19. No structures or parking areas shall be located closer than 300 feet to any property line.
20. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials which die shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.
21. The unloading, transfer and disposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

Section 1259 Special Occasion Homes

- A. Within the (R-L), (R-1), (R-2) and (V) Districts, Special Occasion Homes are permitted by right, subject to the following criteria:
1. Special occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home.
 2. Catered food service from a licensed facility is permitted without additional licensing requirements.
 3. The use of a residential dwelling for a special occasion home must be approved by the Mount Holly Springs Borough Sewage Enforcement Officer and the system upgraded if necessary.
 4. The source of water to be used by the special occasion home shall be a potable water source as certified by a test laboratory and a certified provider.

5. All special occasion homes shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety and fire codes of the federal, state or local government.

Section 1260 Taverns

- A. Within the (V) and (G-C) Districts, Taverns are permitted by right, all subject to the following criteria:
 1. The applicant shall furnish expert evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
 2. The applicant shall furnish expert evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building. Noise levels shall not exceed 45 dBA or 5 dBA above ambient noise levels as measured at the front, side and rear property lines.
 3. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
 4. The site shall be located a minimum of 150 feet from any school, child or adult day care facility, community activity center, cultural facility or church.

Section 1261 Truck Stops or Motor Freight Terminals

- A. Within the (I) District, Truck Stops or Motor Freight Terminals are permitted by special exception, subject to the following criteria:
 1. The subject property shall have a minimum of three hundred feet (300') of road frontage along an arterial road;
 2. The subject property shall be located no closer than fifteen hundred feet (1500') from a (R-1), (R-2), (R-L) or (V) District and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing, rest or retirement home;
 3. All access drives onto the same road shall be at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
 4. Off-street parking shall be provided at a rate equal to that required for each of the respective uses. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons.
 5. Trash receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant;
 6. All uses involving drive-thru restaurant and/or drive-thru vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
 7. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;

8. The outdoor storage of unlicensed vehicles is prohibited.
9. All vehicles and machinery shall be repaired and removed from the premises promptly;
10. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival;
11. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;
12. The applicant shall submit a traffic impact report as governed by the Mount Holly Springs Borough Subdivision and Land Development Ordinance.
13. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. In addition, the applicant shall prepare, present and abide by an emergency response plan to handle hazardous material spills and any other reasonable threat to public health or safety; and,
14. Minimum lot size is 10 acres.

Section 1262 Warehousing and Wholesale Trade Establishments

- A. Within the (I) District, Warehousing and Wholesale Trade Establishments are permitted by right, subject to the following criteria:
 1. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 - a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 - b. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;
 - c. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in this Ordinance.
 2. A traffic impact report prepared by a professional traffic engineer, according to Mount Holly Springs Borough Subdivision and Land Development Ordinance; and,
 3. Minimum lot size is one (1) acre.

Section 1263 Wind Energy Facility

A. Accessory Wind Energy Facilities (AWEF)

Requirements for All AWEF

1. Accessory Wind Energy Facilities (AWEF) shall be permitted by right in all zoning districts as an accessory use. Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.
2. Permit Exemptions
 - a. AWEF constructed prior to the effective date of this Section shall not be required to meet the requirements of this Ordinance.
 - b. With respect to an existing AWEF, any physical modification that materially alters the size, type and number of Wind Turbines or other equipment shall require approval under this Ordinance and meet the requirements of the Uniform Construction Code. Like kind replacements shall not require a building or zoning permit modification.
3. The layout, design, and installation of AWEF should conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code and all applicable building and electrical codes of Mount Holly Springs Borough. The manufacturer specifications shall be submitted as part of the application
4. When an accessory building is necessary for storage or related mechanical equipment, the accessory building shall comply with the accessory building requirements of the underlying zoning district.
5. The owner of an AWEF shall provide Mount Holly Springs Borough written confirmation that the public utility company to which the AWEF will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid AWEF shall be exempt from this requirement.
6. All on-site utility, transmission lines, and cables shall be placed underground.
7. AWEF shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.
8. AWEF shall be painted a non-reflective, flat color such as white, off-white or gray unless required to be colored differently from FAA or BOA regulations.
9. AWEF 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.
10. An AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.

11. No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks.
 12. The owner of the AWEF shall provide evidence that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the wind energy facility.
 13. Decommissioning
 - a. Each AWEF and related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
 - b. The AWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such AWEF for a period of twelve (12) continuous months.
 14. Permit requirements
 - a. Zoning/building permit applications for accessory wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Permits shall show the location of the AWEF on the lot, lot lines, rights of way, adjoining occupied buildings, and above ground utility lines located on the lot. Permits must be kept on the premises where the AWEF is constructed.
 - b. The zoning/building permit shall be revoked if the AWEF, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AWEF not to be in conformity with this Ordinance.
 - c. The AWEF must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the AWEF to conform or to remove the AWEF.
- B. Requirements for Ground Mounted AWEF
1. Ground mounted AWEF may be placed on lots of any size assuming they meet the height and setback restrictions found in this section.
 2. Height for Ground Mounted AWEF
 - a. AWEF height shall not be restricted assuming that the AWEF meets the setback requirements.
 - b. The minimum ground clearance for the AWEF shall be (15) feet
 3. Setbacks for Ground Mounted AWEF
 - a. AWEF shall be set back from property lines, occupied buildings, above ground utility lines, railroads and/or road right-of-ways by a distance equal to no less than 1.5 times the total height.

4. Number of Ground Mounted AWEF allowed per lot
 - a. One ground mounted AWEF is permitted per lot. Additional ground mounted AWEF are permitted by special exception.
 5. Location
 - a. Ground mounted AWEF are prohibited in front yards, between the principal building and the public street.
 - b. Installation of a ground mounted AWEF may be authorized in front of the principal building, outside the required front yard, if the applicant demonstrates to the (governing body / zoning hearing board) that, due to wind access limitations, no location exists on the property other than the front yard where the AWEF can perform effectively
 6. Safety and security
 - a. The owner shall post electrical hazard warning signs on or near the AWEF.
 - b. Ground mounted AWEF shall not be climbable up to (15) feet above ground surface
 - c. Access doors to any AWEF electrical equipment shall be locked to prevent entry by unauthorized persons.
- C. Requirements for Building Mounted AWEF
1. Building mounted AWEF may be located on any lot regardless of size.
 2. Height regulations shall not apply to building mounted AWEF, provided the height does not exceed the limitations of the zoning district for which they are located by more than fifteen (15) feet.
 3. There is no limit on the number of building mounted AWEF assuming that the building is capable of supporting the load of the AWEF.
 4. For building mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Borough indicating the building is capable of holding the load imposed on the structure.
- D. Principal Wind Energy Facilities (PWEF)
- Design and Installation
1. Principal Wind Energy Facilities (PWEF) shall be permitted by special exception use in the Industrial (I) Zoning District. Applications for such uses shall be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.
 2. Permit Requirement and Exemptions
 - a. PWEF constructed prior to the effective date of this Section shall not be required to meet the requirements of this Ordinance;

- b. With respect to an existing PWEF, any physical modification that materially alters the size, type and number of Wind Turbines or other equipment shall require conditional use/special exception approval under this Ordinance and meet the requirements of the UCC. Like kind replacements shall not require a permit modification.
3. The layout, design, and installation of PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of Mount Holly Springs Borough. The manufacturer specifications shall be submitted as part of the application.
4. Applicants shall submit land development and/or subdivision plans which shall be compliant with all land development/subdivision ordinance requirements.
5. The applicant shall provide sufficient documentation showing that the PWEF will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.
6. The PWEF shall provide Mount Holly Springs Borough written confirmation that the public utility company to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.
7. All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other 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.
8. Visual Appearance
 - a. All on-site utility, transmission lines, and cables shall be placed underground.
 - b. PWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently from FAA or BOA regulations.
 - c. PWEF shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall seek to minimize the disturbance to the surrounding views.
 - d. The display of advertising is prohibited except for identification of the manufacturer of the system, facility owner and operator.
 - e. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWEF.
 - f. Accessory Buildings, Structures, Mechanical Equipment
 - (1) Accessory structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen.

- (2) The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the structures into the natural setting and existing environment.

9. Warnings and Safety Measures

- a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- b. All access doors to PWEF including electrical equipment, outbuildings and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
- c. Wind Turbines shall not be climbable up to (15) feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower structure.
- d. Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10') feet from the ground.
- e. The applicant will provide a copy of the project summary and site plan to local emergency services.
- f. Facility owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. Upon request the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

Zoning Requirements

10. Lot size

- a. Lot size shall comply with the zoning district and be in conformance with the required setbacks set forth below.
- b. Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.

11. Setbacks

- a. Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for the zoning district or 1.5 times its total height, whichever is greater.
- b. Wind Turbines shall be set back from an occupied building, on a non-participating landowner's property, not less than 2 times its total height measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
- c. Wind Turbines shall be set back from an occupied building on a participating landowner's property, not less than 1.5 times its total height measured from the center of the wind turbine base to the nearest point of foundation of the occupied building.

Any operator/occupied building used in connection with the development are exempt from this distance limit.

- d. Wind Turbines shall be set back from the nearest public road right-of-way a distance of not less than the normal setback requirements for the zoning district or 2 times its total height, whichever is greater as measured from the right-of-way line to the center of the Wind Turbine base.
- e. Each Wind Turbine shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than 2 times its total height. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point of such lines.
- f. All Wind Turbines shall be setback from any ridge a distance of not less than the wind turbine's total height. For this provision, "ridge" shall be defined as the elongated crest or series of crests at the uppermost point of intersection between opposite slopes of a mountain and including all land lying between such point and an elevation 250 feet below the elevation of such point.
- g. Wind Turbines shall be set back at least 2,000 feet from Important Bird Areas as identified by Pennsylvania Audubon and at least 2,000 feet from identified wetlands.
- h. Each Wind Turbine shall be set back from any historic structure, district, site or resource listed in the state inventory of historic places maintained by the Pennsylvania Historical and Museum Commission a distance no less than 2,500 feet. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point on the foundation of an historic building, structure or resource, or the nearest property line of an historic district or site.
- i. Accessory buildings, structures, and related equipment to the PWEF shall comply with the accessory building setback requirements of the underlying zoning district, or be a minimum of 15 feet from the side and rear property line, whichever is greater.

12. Height

- a. There shall be no specific height limitation, so long as the total height meets sound and set-back requirements, except as imposed by FAA regulations.
- b. The minimum Ground Clearance shall be thirty (30) feet.

E. Operational Standards

1. Use of Public Roads

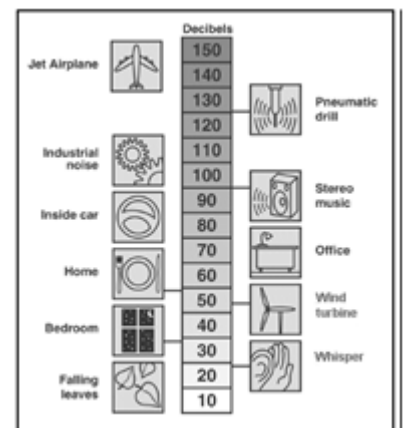
- a. The applicant shall identify all state and local public roads to be used within the Borough to transport equipment and parts for construction, operation or maintenance of the PWEF.
- b. The Borough's engineer, or a qualified third party engineer hired by the Borough and paid for by the applicant, shall document public road conditions prior to construction of the PWEF. The engineer shall document road conditions within thirty (30) days after

construction of the permitted project is complete, or as soon thereafter as weather may allow.

- c. The Borough may require applicant to secure a bond for the road(s) to be used within the Borough in compliance with applicable regulations at an amount consistent therewith; or, if not provided by regulation, an amount set at the discretion of the governing body in consultation with the Borough engineer.
- d. Any road damage caused by the applicant, facility owner, operator, or contractors shall be promptly repaired to the Borough's satisfaction at the expense of the applicant and/or facility owner.
- e. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged public roads.
- f. Every effort should be made to use existing roads and logging roads. New deforestation and forest fragmentation should be kept to a minimum. Private entrance roads to PWEF must be maintained in a mud-free condition.

2. Noise

- a. Audible sound from a PWEF shall not exceed 55 dBA, as measured at the property line between participating and non-participating landowners.
- b. Noise limits may be exceeded during short-term events such as utility outages and/or severe wind storms
- c. Methods for measuring and reporting acoustic emissions from PWEF shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.



- 3. A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
- 4. Shadow Flicker.
 - a. A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
 - b. A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.
 - c. The facility owner and operator shall conduct, at the applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating property.

5. Facility owner and/or operator shall ensure that the design and operation of any PWEF avoids disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
6. Public Inquiries and Complaints
 - a. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
 - b. The Facility Owner and Operator shall make efforts to respond to the public's inquiries and complaints.
 - c. The Facility Owner and/or Operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to the Borough in a timely fashion.
7. Decommissioning
 - a. The facility owner or operator shall, at his expense, complete decommissioning of the PWEF and all related improvements within twelve (12) months of the date when the use of the particular PWEF has been discontinued or abandoned by the facility owner and/or operator, or upon termination of the useful life of same. The PWEF shall be presumed to be discontinued or abandoned if no electricity is generated by such PWEF for a continuous period of twelve (12) months.
 - b. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
 - c. Disturbed earth shall be graded and re-seeded, unless the land owner requests in writing that the access roads or other land surface areas not be restored.
 - d. An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to Borough after the first year of operation and every fifth year thereafter.
 - e. The facility owner or operator shall post and maintain decommissioning funds in an amount (100% or 110%) of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by Borough.
 - f. Decommissioning funds may be in form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Borough.
 - g. If the facility owner or operator fails to complete decommissioning within the period prescribed above, then the land owner shall have six (6) months to complete the decommissioning.

- h. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described above, then the Borough may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating land owner agreement to the Borough shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Borough may take such action as necessary to implement the decommissioning plan.
- i. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Borough concurs that decommissioning has been satisfactorily completed, or upon written approval of the Borough in order to implement the decommissioning plan.

F. Application Requirements. A special exception application for a PWEF shall include the following:

1. A narrative describing the proposed PWEF, including an overview of the project, the project location, the approximate generating capacity of the PWEF, the approximate number, representative types and height or range of heights of Wind Turbines to be constructed including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
2. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and the operation of the PWEF and setting forth the applicant's and property owner's name, address and phone number.
3. Identification of the properties on which the proposed PWEF will be located, and the properties adjacent to where the PWEF will be located.
4. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
5. A Decommissioning Plan sufficient to demonstrate compliance with this ordinance.
6. A noise study in accordance with the requirements above.
7. A shadow flicker study in accordance with the requirements above.
8. Other relevant studies, reports, certifications and approvals as required by this Ordinance or as may be requested by the Borough to ensure compliance with this Ordinance.
9. Throughout the permit process, the applicant shall promptly notify the Borough of any changes to the information contained in the conditional use/special exception permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

Section 1264 Wireless Communications Facility

A. Purpose

The purpose of this Section is to establish reliable standards for the construction, siting, design, permitting, maintenance, and use of wireless communication facilities in the municipality. While the Borough of Mount Holly Springs recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the visual impact of such facilities through the standards set forth in the following provisions.

B. Permitted Uses for Wireless Communication Facilities (WCF)

1. Tower-Based Wireless Communication Facilities (WCF) are permitted by Special Exception in the Industrial Zoning District.
2. Tower-Based Wireless Communication Facilities (WCF) located within a right-of-way are permitted by Special Exception in the Industrial and General Commercial Zoning Districts.
3. Tower-Based Wireless Communication Facilities shall not be located on a structure that is listed on the National Register of Historic Places, property designated by the municipality in an adopted plan as being historically significant, or in a designated historic district.
4. Non-Tower Wireless Communication Facilities (WCF) are permitted by right in all Zoning Districts and right-of-ways subject to the requirements of this section.

C. Bulk and Area Requirements

TOWER BASED			
		WCF out of ROW	WCF in ROW
Height		Tower based WCFs shall be designed to minimum functional height. Applicants must submit documentation justifying the total height.	Tower based WCFs shall be designed to minimum functional height. Applicants must submit documentation justifying the total height.
Lot size	Only use on lot:	Subject to underlying zoning district.	Not Applicable.
	Combined with another use on lot:	Area needed to accommodate the WCF and guy wires, equipment building, security fence, and buffer planting.	Not Applicable.
Setbacks	Towers:	Setback from property lines at least 100% of the combined height of the wireless support structure and antenna, or the underlying District requirement, whichever is greater.	Setback from existing buildings at least 100% of the combined height of the wireless support structure and antenna.
	Equipment buildings:	Subject to underlying zoning district.	Not Applicable.
	From a Residential District or use:	100 feet.	100 feet.

C. Bulk and Area Requirements (continued)

NON-TOWER BASED			
		WCF out of ROW	WCF in ROW
Height	On building or similar structure:	WCF shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a Special Exception.	Not Applicable.
	On street lights, utility poles, traffic signals, signs and similar structures:	Not Applicable.	WCF located above the surface grade shall consist of equipment components designed at the minimum functional height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
	General:	Applicants must submit documentation justifying the total height.	Applicants must submit documentation justifying the total height of the structure.
Setbacks	Mounted antenna:	Subject to underlying zoning district or setback of existing wireless support structure.	Not Applicable.
	Equipment buildings:	WCF Equipment buildings shall comply with minimum requirements of underlying District.	Not Applicable.
Lot size	Subject to underlying zoning district.		Not Applicable.

D. Design, Construction, Operations

1. All WCF shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable Federal and State technical, and safety codes.
2. No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services.
3. Collocation
 - a. Tower-based WCF shall be designed to accommodate both the WCF applicant's antennas and comparable antennae for future users.

- b. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the municipality with a written commitment that it will allow other service providers to collocate antennae on tower-based WCFs where technically and economically feasible.
4. Signage. Tower-based WCF shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Municipality.
5. Lighting. WCF shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
6. Noise. WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis.
7. Access
 - a. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCFs.
 - b. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
 - c. Road construction shall at all times minimize ground disturbance and the cutting of vegetation.
 - d. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
 - e. Where applicable, the WCF owner shall present documentation to the municipality that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
 - f. The easement shall be a minimum of 20 feet in width and the access road shall be paved to a width of at least 10 feet throughout its entire length.
 - g. Vehicular access to the WCF shall not interfere with the parking or vehicular circulations for a principal use, if located on the site.
8. Fencing. A security fence with a minimum height of 6 feet shall surround any tower-based WCF located outside a right-of-way, including guy wires, associated equipment, and buildings.
9. Mounting. Any applicant proposing a non-tower WCF, to be mounted on a building or any other structure, shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure for review by the municipal building codes office and/or the municipal engineer for compliance with the building code.

10. Safety in Rights-of-Way

- a. Schedule of operations. The municipality shall determine the time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the municipality and the requirements of the Public Utility Code.
- b. Emergency. Within 60 days following written notice from the municipality, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the municipality, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:
 1. The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way.
 2. The operations of the municipality or other governmental entity in the right-of-way.
 3. Vacation of a street or road or the release of a utility easement.
 4. An emergency as determined by the municipality.
- c. Visual obstruction. All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the municipality. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, or in an area in which there are no curbs, within 3 feet of the edge of cartway.

11. Inspections

- a. A copy of any inspection report and certification of continued use, as required by national and state agencies, shall be provided to the municipality following the inspection. Any repairs advised by report shall be completed by the owner within 60 calendar days after the report is filed with the municipality.
- b. The municipality reserves the right to inspect any WCF to ensure compliance with the provisions of the chapter and any other provisions found within the municipal code or state, or federal law. The municipality and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

E. Aesthetics, Landscaping, and Screening

1. Stealth Technology. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.
 - a. Tower-based WCFs shall employ stealth technology and the tower may be painted an appropriate color to harmonize with the character of the area and surrounding land uses.
 - b. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact.
 - c. All utility buildings and accessory structures shall be designed to blend into the environment in which they are situated.
2. Landscaping Plan. Tower-based WCF located outside the right-of-way shall submit a landscape plan describing the following:
 - a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
 - b. Plant materials needed to form a visual screen shall be located along the perimeter of the security fence in accordance with the screening provisions of this ordinance.
 - c. Ground mounted equipment associated with, or connected to, a tower-based WCF shall be screened from public view using landscaping and/or screening, as described above.

F. Replacement, Collocation, or Modification

1. An application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility shall be reviewed for conformance with the municipal building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that:
 - a. The proposed collocation, modification or replacement may not substantially change the physical dimensions of the wireless support structure to which the wireless telecommunications facilities are to be attached.
 - b. The proposed collocation, modification or replacement may not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array; provided, however, that nothing herein shall preclude an applicant from further increasing the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array if permitted and approved by the municipality.
 - c. The proposed collocation, modification or replacement may not increase the dimensions of the equipment compound approved by the municipality.

- d. The proposed collocation, modification or replacement complies with applicable conditions of approval applied to the initial wireless telecommunications facilities, equipment compound and wireless support structure.
 - e. The proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.
2. Replacement of wireless communications facilities on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the municipality.

The applicant shall submit documentation regarding any replacement of wireless communication facilities to the municipality.

3. Any Substantial Change to an existing tower-based WCF shall require approval of the municipality.

G. Permit Requirements

- 1. An application for a new tower-based WCF shall not be approved unless the municipality finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be collocated on an existing or approved structure or building.
- 2. Any application for approval of a new tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a ½ mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the municipality that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- 3. Gap in Coverage or Capacity. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to the applicant in the area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity. The existence or non-existence of a gap in wireless coverage or capacity shall be a factor in the municipality’s decision on an application for approval of tower-based WCFs.
- 4. The applicant shall demonstrate that the proposed WCF comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 5. Notification. Upon receipt of an application for a tower-based WCF, the municipality shall mail notice thereof to the owner or owners of every residential property within 500 feet of the parcel or property of the proposed facility.
- 6. Review timeframe

WCF Review Timeframes	
	<p>Borough shall notify the applicant in writing of any information that may be required to complete</p>
	<p>Borough shall approve or deny the application unless a shorter time period is applicable under the Pennsylvania MPC.</p>

	application.	
New Tower Based WCFs	Within 30 calendar days of the date the application was filed with the Borough.	Within 150 days* of submission of an application for a WCF.
Non-Tower Based WCFs	Within 30 calendar days of the date the application was filed with the Borough.	Within 90 days* of submission of an application for a WCF.
Eligible Facilities** Requests (as defined)	Within 30 calendar days of the date the application was filed with the Borough.	Within 60 days* of submission of an application for a WCF.
<p>*The time period may be tolled by mutual agreement or in cases where the Borough informs the applicant in a timely manner that the application is incomplete. If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission, but may be tolled again if the Borough provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.</p>		
<p>**The Borough shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an eligible facility.</p>		

7. Retention of Experts. The municipality may hire any consultant(s) and / or expert(s) necessary to assist the municipality in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this chapter. The applicant and / or owner of the WCF shall reimburse the municipality for all costs of the municipality's consultant(s) in providing expert evaluation and consultation in connection with these activities.
8. Permit Fees. The municipality may assess appropriate and reasonable permit fees directly related to the municipality's actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the municipality's actual reasonable cost to review and process the application.

H. Discontinuation, Abandonment and Removal

1. Nonconforming WCFs. Any nonconforming WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this chapter.
2. Discontinuation. In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - a. All unused or abandoned WCFs and accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the municipality.
 - b. If the WCF and/or accessory facility is not removed within 6 months of the cessation of operations at a site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the municipality and the cost of removal assessed against the owner of the WCF.

- c. Any unused portions of WCFs, including antennas, shall be removed within 6 months of the time of cessation of operations.
3. Bonding. The facility owner or operator shall post and maintain funds for removal of all structures associated with the WCF in an amount 110% of the identified removal costs, as adjusted over time.
 - a. The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the municipality.
 - b. An independent and certified Professional Engineer shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the municipality after the first year of operation and every five (5) years thereafter.