

ARTICLE 4

SUPPLEMENTARY USE REGULATIONS

400 PURPOSE AND APPLICABILITY

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall apply to the identified uses.

401 USES NOT PROVIDED FOR

Whenever, under this Ordinance, a use is neither specifically permitted nor denied, and an application is made by an applicant to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Borough Council to hear and decide such request as a conditional use. The Borough Council shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 1101 of this Ordinance. In addition, the use may only be permitted if:

- A. it is similar to and compatible with the other uses permitted in the zone where the subject property is located; and
- B. it is not permitted in any other zone under the terms of this Ordinance; and
- C. it is in no way in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the health, safety and welfare of the neighborhood where it is to be located.

402 DWELLING UNITS

All dwelling units, including single-family, two-family, and multi-family units hereafter erected or created shall adhere to the following requirements.

- A. Every dwelling unit shall conform to all applicable building, housing, electrical and plumbing codes in effect in the Borough or as may hereafter be enacted.
- B. Every dwelling unit shall be placed upon and firmly anchored to a permanent, frost-free foundation or footer in accordance with the standards set forth in the applicable Borough building code, except as provided otherwise in Section 406 for mobile home parks. In no event shall a dwelling unit be placed or erected upon loose blocks, jacks or other temporary materials.
- C. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Article 3 and the floodplain

management provisions in Article 6 of this Ordinance.

- D. In the absence of more restrictive codes, every dwelling unit shall contain a minimum of 600 square feet of habitable floor area, except as provided otherwise in Sections 407, 408, 409, and 410.

403 CONVERSION APARTMENTS

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate a greater number of dwelling units or households shall be permitted only within those zoning districts and as specified in Article 3, the District Regulations. Further, such conversions shall meet the requirements outlined below.

- A. The lot upon which a conversion apartment is situated shall meet the minimum area requirements established for the district in which it is located.
- B. Conversions may only be authorized for structures which were erected prior to the adoption of this Ordinance. Conversions shall be limited to one (1) building or structure per lot, unless approved otherwise by the Zoning Hearing Board during its review of the application.
- C. Structures to be used for conversions shall contain no less than 1,400 square feet of habitable floor area and no dwelling unit therein shall contain less than 600 square feet of habitable floor area.
- D. No structural alterations designed to increase the ground floor dimensions of the original structure shall be made in order to achieve the conversion, except as may be necessary to assure adequate emergency egress is provided or to improve handicapped accessibility.
- E. The yard, off-street parking, and other applicable requirements of this Ordinance shall also be met.

404 MULTI-FAMILY DWELLING STRUCTURES

Multi-family dwelling structures (dwelling structures containing three or more dwelling units) shall be permitted only within those zoning districts and as specified in the District Regulations, Article 3. Every application for such a use shall meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance. (Applications proposing to locate more than one multi-family dwelling structure on a single tract of ground shall also meet the requirements of Section 404 E. below.)

A. Minimum Tract Area and Density Requirements

1. The minimum gross area required for each tract containing a multi-family dwelling structure shall be as specified in the District Regulations, Article 3.
2. Where individual dwelling units of a *single-family attached type of multi-family*

dwelling structure and the land on which the structure is located are proposed to be subdivided and conveyed as separate lots, the following dimensional requirements shall be met. In such cases, the applicant shall submit sufficient documentation along with his subdivision plans which demonstrates that satisfactory arrangements have been made regarding the ownership and maintenance of all common ground or open space not proposed for conveyance. (See also Sub-Section E.6 below.)

a. Minimum Lot Area.

- 1) R-2 Zone. 4,000 square feet per dwelling unit.
- 2) R-3 Zone. 3,000 square feet per dwelling unit.
- 3) PRD Zone. 5,000 square feet per dwelling unit.

b. Minimum Lot Width.

- 1) R-2 and R-3 Zones. 20 feet.
- 2) PRD Zone. 25 feet.

c. Minimum Yard Requirements. See applicable District Regulations.

3. Where **individual dwelling units of any multi-family dwelling structure** are proposed to be conveyed independently of any land area, the applicant shall demonstrate that all requirements of the Uniform Condominium Act will be met. (See also Sub-Section D.6 below.)
4. Where **individual dwelling units of any multi-family dwelling structure** are proposed to be subdivided, whether or not such subdivision includes any land area, all dwelling units contained in the structure shall be part of the proposed division.

B. Minimum Tract Width

The minimum width for each tract containing a multi-family dwelling structure may vary with each individual application depending upon the number of dwelling units proposed in each structure. In no case, however shall the overall width of the tract be less than the minimum established for other uses in the District where the multi-family dwelling structure is located.

C. Minimum Tract Yard Requirements

The minimum yard requirements for each tract containing a multi-family dwelling structure shall be as set forth in the District Regulations, Article 3.

D. Habitable Floor Area

Each dwelling unit in the multi-family dwelling structure shall contain a minimum of 600 square feet of habitable floor area.

E. Design Standards

All multi-family dwelling structures shall be designed in accordance with the standards forth in the Borough Subdivision and Land Development Ordinance. In addition, the following requirements shall apply.

1. Traffic Access. Each multi-family dwelling structure must access onto a public street or onto a private internal street. All new streets or access drives shall be designed and constructed in accordance with the road standards outlined in the Borough Subdivision and Land Development Ordinance.
2. Grading and Ground Cover (Soil Erosion and Sedimentation Control). Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be submitted showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be stabilized or otherwise protected with a vegetative cover. And where determined appropriate by Borough Council during their review of the application, buffer yards and screen plantings may be required to be provided in accordance with the requirements of Sections 505 and 506 of this Ordinance.
3. Drainage Facilities. All plans for multi-family dwelling structures shall include information regarding the slope of the site and shall indicate what types of drainage or storm water management facilities will be installed to handle runoff produced by the new structure. The plans shall also indicate where the drainage is to be ultimately channeled.
4. Solid Waste Collection, Storage and Disposal. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed development shall be made by the developer and submitted to the Borough for approval as part of the plan submission process.
5. Off-Street Parking Facilities. The number of parking spaces available on the site shall equal no less than two (2) stabilized spaces per dwelling unit.
6. Common Open Space Ownership & Maintenance. Where the conveyance of title to individual dwelling units of a multi-family dwelling structure does not include the conveyance of any land area or does not include conveyance of the entire site, the developer shall submit a plan of the arrangements to be made for ultimate ownership of and maintenance responsibilities for the common open space/land area associated with the building (including access drives and driveways) to the Borough for review and approval as a part of his application for such a use. Copies of such arrangements shall be recorded as part of every deed for such conveyances. Where no conveyance is proposed, the developer shall submit a copy of his plan for the maintenance of all common open space areas associated with the structure for the Borough's approval.

F. Building Relationships.

Where more than one (1) multi-family dwelling structure is proposed for a single tract of ground, the following standards shall apply to the relationship of the buildings.

1. Arrangement of Buildings. Adequate provision must be made for light, air, access, and privacy between buildings where more than one (1) multi-family dwelling structure is proposed to be located on a single site. Each dwelling unit shall have a minimum of two (2) exterior exposures.
2. Maximum Length of Rows. The maximum length of any multi-family dwelling structure shall be 160 feet. Building groups must be arranged so as to readily accessible by emergency vehicles.
3. Distance Between Buildings.
 - a. The front or rear of any building shall be no closer to the front or rear of any other building in the group than 50 feet.
 - b. The side of any building shall be no closer to the side, front, or rear of any other building than 25 feet.
4. Open Space. A minimum of ten (10) percent of the gross area of the multi-family housing development shall be reserved by the developer as common open space for the use of all residents of the complex. Such open space may include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. This area shall also be easily accessible to all units.

Applicants for multi-family housing developments shall submit a proposal regarding the ultimate ownership and maintenance responsibilities for any common open space areas to the Borough for review and approval as a part of their application for such a use. Copies of such arrangements shall be included in each deed or lease for a unit in such a development.

405 PLANNED RESIDENTIAL DEVELOPMENTS

Planned residential developments shall be permitted only within those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall be processed in accordance with the procedures set forth in Article VII of the PA Municipalities Planning Code, or as may hereafter be amended, and shall meet the standards outlined below.

A. Intent

1. The intent of these regulations is to provide, in the case of planned projects, an added degree of flexibility in the placement, bulk, and inter-relationship of the buildings and uses within the planned project and the implementation of new design concepts while at

the same time maintaining the overall intensity of use, density of population, and the amounts of light, air, access, and open space specified for the PRD Zone.

2. The housing type, minimum lot area, yard, height and accessory uses shall be determined by the requirements and procedures set forth in this Section and within the PA Municipalities Planning Code and shall prevail over conflicting requirements contained in the District Regulations or within the Borough Subdivision and Land Development Ordinance.

B. Types of Uses Permitted

The types of uses permitted to be included in planned residential developments shall be as set forth in the District Regulations, Article 3, and as indicated below.

1. Single-family detached dwellings, two-family dwellings, and multi-family dwelling structures (including single-family attached dwelling structures or townhouses and apartment buildings).
2. Commercial and recreational uses or activities (including neighborhood retail stores, athletic fields and courts, tot lots, and similar recreational facilities) appropriate for incorporation into the proposed development and which are designed primarily to serve the occupants of the proposed development.
3. Institutional uses (including churches, day care centers, and retirement centers) appropriate for incorporation into the proposed development and which are designed primarily to serve the occupants of the proposed development.

C. Maximum Residential Densities

The following maximum gross densities shall apply to all residential units within the proposed development.

1. Single-Family Detached Dwellings - four (4) dwelling units per acre.
2. Two-family Dwellings - six (6) dwelling units per acre.
3. Single-Family Attached Dwelling Units - eight (8) dwelling units per acre.
4. Other Multi-family Dwelling Units - eight (8) dwelling units per acre.

In no case shall more than 30 percent of the total land area included in the proposed development be utilized for multi-family dwelling structures.

D. Minimum Lot Area Requirements

All lots created for single-family detached dwellings shall contain a minimum area of 9,000 square feet. Lots for individual residential units contained in single-family attached type of multi-family dwelling structures shall contain no less than 5,000 square feet of area.

E. Minimum Lot Width and Yard Requirements

Minimum lot width and yard requirements shall be as set forth in the District Regulations, Article 3.

F. Habitable Floor Area Requirements

Each dwelling unit in the development shall contain a minimum of 600 square feet of habitable floor area.

G. Design Standards

The design standards set forth in Section 404 E., Sub-Sections 1. through 5., of this Ordinance shall be met by all applications for planned residential developments.

H. Building Relationships

The building relationship standards set forth in Section 404 F. of this Ordinance shall be met by all applications for planned residential developments. In addition, all such developments shall be setback a minimum of 25 feet from all tract boundaries.

I. Open Space Requirements

Common open space for recreation purposes, either active or passive, shall be an essential and major element of the plan. A minimum of 25% of the total tract shall be set aside by the developer as common open space for the use and enjoyment of all residents of the development. Where possible, such open space shall include the preservation of existing natural features and shall be easily accessible to all units in the development. Portions of the area to be used for recreation shall have suitable physical characteristics, including well-drained soils, gentle topography, and suitable shape and size.

Applications for planned residential developments shall include a proposal indicating the ultimate ownership and maintenance responsibilities for such open space areas. Where such open space is not dedicated to the Borough, or where such dedication is not accepted by the municipality, an Agreement which assigns maintenance responsibilities for the open space/recreation facilities shall be submitted by the developer and approved by the Borough, recorded with the final plan, and referenced in the deeds or leases for each parcel or dwelling unit in the development.

406 MOBILE HOME PARKS

Mobile home parks shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All proposed mobile home parks must meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance.

A. Minimum Park Area and Density Requirements

The minimum gross area provided for each mobile home park shall be five (5) acres. Overall, the density of the park shall not exceed eight (8) mobile home lots per acre of gross area of the park provided that all other applicable requirements of this Ordinance can be met. The maximum permitted building coverage for a mobile home park shall be 40%.

B. Mobile Home Park Lot Area and Width Requirements

1. Minimum Lot Sizes. Each mobile home lot shall contain no less than 5,000 square feet, exclusive of rights-of-way.
2. Minimum Lot Width. The minimum width of any mobile home lot, measured at the building setback line, shall be not less than 50 feet.

C. Mobile Home Pad Requirements

All mobile home lots within the mobile home park shall be improved to provide a permanent pad for the placement of the mobile home, thereby providing an opportunity to secure the substructure against uplift, sliding or rotation. Such pads shall be properly equipped to render the parcel useable and shall be maintained in satisfactory condition by the developer or park owner. At a minimum, the following requirements shall be met.

1. The pad shall be equal to the length and width of the mobile home proposed to use the lot.
2. The pad shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. All pads shall meet the requirements of the applicable Borough Building Code and the mobile home manufacturer's specifications.
3. Each pad shall be provided with anchors and tie-downs sufficient to meet the Borough's Building Code requirements and the mobile home manufacturer's specifications.
4. Each mobile home pad shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electrical service connections.
5. Each mobile home lot shall be provided with an entrance patio or porch, not less than 100 square feet in size.

D. Minimum Yard Requirements

1. Setback from Public Streets. All mobile homes and auxiliary park buildings shall be located at least 30 feet from the edge of any adjoining street cartway, including internal

mobile home park streets.

2. Side and Rear Yard Setbacks. All mobile homes, including attached porches, patios, decks, or carports, shall be set back a minimum of 10 feet from the side and rear lot lines of the mobile home lot.
3. Minimum Distance Between Mobile Homes. Each mobile home, including attached porches, patios, decks, or carports, shall be located at least 20 feet from any other mobile home in the mobile home park.
4. Minimum Distance Between Mobile Homes and Auxiliary Structures. All mobile homes shall be located at least 20 feet from any auxiliary park buildings and repair, maintenance, or storage buildings.
5. Park Perimeter Screening Requirements. Screen plantings or fencing shall be provided around the entire perimeter of all mobile home parks to separate the park from adjacent land uses. Screening may also be required to effectively and attractively conceal repair, maintenance, or storage buildings from mobile home lots, park streets, or public roads.

E. Design Standards

All mobile home parks shall be designed in accordance with the standards set forth in the Borough Subdivision and Land Development Ordinance. In addition, the following requirements shall apply.

1. Traffic Access. All mobile home lots shall abut and have access on a street in the mobile home park internal street system. Mobile home parks shall be provided with two (2) points of ingress and egress. All streets within the mobile home park shall be designed and constructed in accordance with the street standards outlined in the Borough Subdivision and Land Development Ordinance. In addition, at the entrance/exit intersection of the mobile home park, the cartway shall have a radius of 75 feet in order to facilitate the safe movement of vehicles and mobile home units into and out of the park.
2. Off-Street Parking Requirements. A minimum of two (2) stabilized off-street parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located on the mobile home lot which they are intended to serve.
3. Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans). The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or be stabilized or otherwise protected with a vegetative cover capable of preventing soil erosion.
4. Drainage Facilities. All plans for mobile home parks shall include information regarding the slope of the site and shall indicate what types of drainage or stormwater

management facilities will be installed to handle run-off produced by the development. The plans shall also indicate where the drainage is to be ultimately channeled.

5. Common Open Space Requirements. A minimum of ten (10) percent of the gross park area shall be reserved by the developer as common open space for the use of all residents of the park. At least a portion of this area shall be set aside for recreation use. Such recreation area shall be suitable for outdoor recreational activities and shall be easily accessible to all units. Applicants for mobile home parks shall submit a proposal regarding the ultimate ownership and maintenance responsibilities for such common open space and recreation areas to the Borough for review and approval as a part of their application for such a use. Copies of such arrangements shall be included in the lease for each lot in the park.

F. Utilities and Park Facilities

1. Sewage Facilities. An adequate and safe sewage system shall be provided by the developer in all mobile home parks for collecting, conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile home parks shall be connected to the public sewer system.
2. Water Facilities. An adequate supply of water shall be provided by the developer for mobile homes, service buildings and other accessory facilities in the park. Mobile home parks shall be connected to the municipal water system.
3. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided by the developer in accordance with plans approved by the Borough and the appropriate utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
4. Solid Waste, Collection, Storage and Disposal. Arrangements for the collection, storage, and disposal of solid wastes generated by the residents of the park shall be made by the developer and submitted to the Borough for approval as a part of the plan submission process.
5. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and for the well-being of park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings however, shall be used for the management, servicing and maintenance requirements of the park and park residents.
6. Park Management. Each mobile home park owner shall designate a resident manager who shall be responsible for maintaining the facility in accordance with the requirements of this Ordinance and the terms of the Park's Conditional Use approval.

G. Rules and Regulations of the Park

The developer shall submit to the Borough a copy of the proposed rules and regulations to be followed by tenants of the mobile home park as a part of his application for such a use. At a minimum, such regulations shall require that:

1. All garbage and trash must be placed in appropriate receptacles; and
2. Each mobile home placed in a mobile home park shall be skirted. Acceptable skirting shall include materials which have been prefabricated for this specific purpose or other similar articles, but shall not include bales of hay, straw, interior plywood, or like materials.

H. Permits Required

Every mobile home placed in a mobile home park in Milton Borough, including replacement units, shall secure a Zoning Permit prior to its placement in the park and its use as a dwelling unit. In addition, all improvements or enlargements proposed for mobile homes located in mobile home parks shall require a Zoning Permit from the Borough prior to being initiated.

407 BOARDING OR ROOMING HOMES

Boarding or rooming homes shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses, whether new construction or a conversion, shall also meet the requirements outlined below.

- A. The lot upon which the boarding or rooming home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Boarding or rooming facilities shall be accessory to a single-family dwelling unit and such uses may or may not include arrangements for meals. And, for the purposes of this Ordinance, the owner of the single-family dwelling must occupy the unit as its legal resident.
- C. Accommodation may be provided for up to four (4) boarders, with a maximum of two (2) persons per bedroom. For the purposes of this Ordinance, there shall be no less than 75 square feet of habitable floor area per bedroom for the first boarder, and no less than 50 square feet of habitable floor area for the second occupant in the same bedroom. Such accommodation shall be for periods of one (1) week or more in duration.
- D. There shall be no less than one (1) bathroom provided for each three (3) bedrooms.
- E. There shall be no provision made for cooking in individual rooms of a boarding or rooming house.
- F. The off-street parking requirements set forth in Article 8, and all other applicable standards

of this Ordinance shall be met.

408 GROUP HOMES

Group homes shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such activities, whether new construction or a conversion, shall also meet the requirements outlined below.

- A. The lot upon which the group home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Residents of a group home shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share mealtimes and housekeeping responsibilities.
- C. Accommodations in a group home shall be provided for no more than eight (8) residents, excluding staff, at one time. *For the purposes of this Ordinance, group homes providing accommodations for more than eight (8) residents shall be considered as a personal care home.* Applications for group homes shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
- D. There shall be no more than two (2) persons per bedroom in a group home. Further, there shall be no less than 75 square feet of habitable floor area per bedroom for the first occupant, and no less than 50 square feet of habitable floor area for the second occupant in the same bedroom.
- E. There shall be no less than one (1) bathroom provided for each three (3) bedrooms.
- F. Adult supervision shall be provided at the facility on a 24-hour basis.
- G. Residents of such facilities shall remain in residence for a period of at least three (3) months, and a change of residents shall not routinely occur, except in the case of death, extended illness, disability or similar circumstances.
- H. Applicants for group homes shall indicate the type of care, counseling or treatment to be provided at the site. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.
- I. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- J. Any Zoning Permit issued for a group home shall apply only to the facility and applicant named, the premises designated, and for the activities or purposes listed or identified in the application. Said Permit shall be nontransferable.
- K. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

409 PERSONAL CARE HOMES

Personal care homes shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for a personal care home, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the personal care home is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. Evidence shall be provided by the applicant indicating that the proposed facility will conform to all applicable State and local regulations (including regulations of the PA Department of Health, PA Department of Public Welfare, and the PA Department of Labor and Industry).
- C. Structures housing personal care homes shall contain a minimum of 200 square feet of habitable floor area per resident, and not less than 25% of the total habitable floor area of the structure shall be dedicated to communal activities, including community rooms, dining rooms, or common areas for social activities, unless approved otherwise by the Borough Council during their review of the application.
- D. There shall be no more than two (2) persons per bedroom in a personal care home, nor less than 75 square feet of habitable floor area per person per bedroom.
- E. Adult supervision shall be provided at the facility on a 24-hour basis.
- F. Any Zoning Permit issued for a personal care home shall apply only to the facility and applicant named, the premises designated, and for the activities and purposes listed in the application. Said Permit shall be nontransferable.
- G. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

410 RETIREMENT CENTERS

Retirement centers shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for a retirement center, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the retirement center is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. The building(s) housing the retirement center shall contain no less than 12,000 square feet of habitable floor area, at least 25% of which shall be dedicated to communal activities, including community rooms, dining rooms, or common areas for social activities.
- C. Individual or family units, containing a minimum of 400 square feet of habitable floor area,

shall be provided within the retirement center, and there shall be no more than two (2) persons per unit.

- D. Arrangements for residents may include the preparation and service of meals on the premises and the provision of housekeeping services, but shall exclude 24-hour supervision or full-time convalescent or chronic nursing care, such as may be found in a personal care home or a nursing home.
- E. Evidence shall be provided with the application indicating that all appropriate state licensing requirements have been met.
- F. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

411 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments or other similar residential lodging facilities shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Every application for a bed and breakfast establishment, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the bed and breakfast is situated shall meet the minimum area requirements established in the District Regulations for the district in which the use is to be located.
- B. The facility must be privately owned and occupied by the owner thereof.
- C. The total number of guest rooms in the facility shall not exceed five (5), and each guest room shall contain a minimum of 120 square feet of habitable floor area.
- D. No more than two (2) adults and their accompanying children under 18 years of age may occupy a single guest room.
- E. There shall be at least one (1) bathroom for every two (2) guest rooms.
- F. Overnight accommodations shall not exceed 14 continuous nights at any one time, nor exceed 60 days in any calendar year.
- G. Dining facilities and food services shall be available only to lodgers.
- H. Exterior alterations to existing structures shall be limited to those customarily associated with residential uses.
- I. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- J. The off-street parking requirements set forth in Article 8 and all other applicable standards of this Ordinance shall be met.

412 DAY CARE CENTERS, NURSERY SCHOOLS, OR GROUP DAY CARE HOMES

Day care centers, nursery schools, or group day care homes, or those facilities providing limited daytime care for adult, elderly or handicapped persons, shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All such uses, whether new construction or a conversion, shall meet the requirements outlined below.

- A. The lot upon which the day care facility is located shall meet the minimum area requirements established in the District Regulations for the district in which it is to be located.
- B. Outdoor recreation area in accordance with applicable State regulations shall be provided. Such areas shall be completely enclosed with a six (6) foot fence or a natural barrier meeting the requirements of Section 506 of this Ordinance and shall be located at least 25 feet from the edge of any adjoining street cartway. A dwelling or accessory building may also be used as part of the required enclosure.
- C. All other applicable codes, ordinances or laws (including regulations of the PA Department of Public Welfare, PA Department of Labor and Industry, and PA Department of Education) shall be met. Satisfactory evidence that all necessary permits or approvals have been obtained shall be submitted as part of any application for a day care center, nursery school, or group day care home.
- D. Signs advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- E. Passenger drop-off and pick-up areas shall be provided and arranged so that passengers do not have to cross the traffic lanes on or adjacent to the site. In addition, the requirements set forth in Article 8 regarding off-street parking, and all other applicable standards of this Ordinance shall be met.

413 RETAIL ESTABLISHMENTS

Retail establishments shall include those facilities and personal service uses permitted in the District Regulations, Article 3. In addition, every proposed retail establishment must meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance.

- A. Applications for new retail establishments shall include the following information.
 - 1. A site plan prepared by a registered professional engineer, land surveyor, or architect, showing the tract of ground on which the use is proposed and the location of all buildings or structures existing or to be situated on the site;
 - 2. An indication that the use will not have a detrimental effect on the character of the area or neighborhood where it is proposed to be located, including the use of externally-broadcast music, public address systems, public announcements, paging and similar activities;

3. An indication that adequate sewage disposal and water supply facilities are available;
 4. An indication that arrangements have been made for the collection, storage and disposal of solid wastes generated by the commercial use, including an indication of the type of screening to be used to conceal all such storage facilities;
 5. An indication that a buffer yard or screening as required in Section 505 and 506 of this Ordinance will be provided around the perimeter of the site;
 6. An indication that all outdoor lighting associate with the proposed establishment will be mounted and shielded to effectively eliminate glare on adjacent properties and avoid creating safety problems for motorists on public streets;
 7. An indication that all signs used to advertise such facilities will meet the requirements of Article 7 of this Ordinance;
 8. An indication that access to the proposed establishment will be adequate and as required by this Ordinance and that the number of off-street parking spaces and loading berths required in Article 8 will be provided; and
 9. An indication of the establishment's proposed hours of operation.
- B. Applicants proposing to ***change from one commercial use to another*** in an existing building, where no structural alteration is proposed or necessary to effect the change, need only apply to the Permit Officer for a Certificate of Compliance. All such applicants shall however provide sufficient information to the Permit Officer indicating that the issues raised in Sub-Section A. above will be adequately addressed.
- C. No perpetual outside displays or retail sales shall be permitted for approved commercial uses, except where such display is a necessary part of the use, and no merchandise shall be placed on a sidewalk except as part of a periodic sidewalk sale.
- D. All outside storage associated with a commercial use shall meet the requirements set forth in Section 423 of this Ordinance.
- E. No commercial building in the Central Business District 1 may provide for residential use on the first floor. (Revised August 27, 2014 per Ordinance # 1191)

414 AUTOMOTIVE SERVICE STATIONS AND/OR REPAIR GARAGES

Automotive service stations and/or repair garages shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. All applications for such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance as well as the standards outlined below.

- A. Gasoline pumps or other fuel dispensing devices shall be no closer than 25 feet to any boundary of the Residential District.

- B. All fuel, oil, propane gas, or other similar substance shall be stored at least 25 feet from any street right-of-way or property line. (Additional permits may be necessary to meet State and Federal requirements regarding the location of storage tanks for such purposes.)
- C. All repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure. All repair materials, including new, used, discarded or unusable parts of any vehicle, shall be stored within a building.
- D. Body work or painting of vehicles may be permitted only where the operation is to be conducted within an enclosed structure and where such structure meets all State regulations and is designed to contain all noise, vibrations, dust, and odor generated by the activity.
- E. The applicant shall include an indication of the methods being proposed for storage and disposal of any solvents, paints, or other potentially hazardous materials or substances to be used on the premises as part of his application for an automotive service station or repair garage.

415 PUBLIC ENTERTAINMENT FACILITIES or PLACES OF ASSEMBLY and PUBLIC LIBRARY

(Revised September 25, 2008 per Ordinance # 1159)

Public entertainment facilities or places of assembly shall be permitted only in those zoning districts and as specified in Article 3, the District Regulations. In addition, all applications for such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements. (See also Section 427 for regulations governing adult entertainment establishments.)

- A. All such uses shall contain, at a minimum, 2000 square feet of enclosed structure area.
(Revised September 25, 2008 per Ordinance # 1159)
- B. Applications for such uses shall include an indication of the measures to be taken to prevent noise or other nuisance influences from disturbing nearby properties.
- C. Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. (See also Article 7.)
- D. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

416 COMMERCIAL LODGING FACILITIES

Commercial lodging facilities shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. In addition, all such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements.

- A. Each unit in a commercial lodging facility shall contain a minimum of 120 square feet of habitable floor area and in addition shall include a private bathroom.
- B. Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists. (See also Article 7.)
- C. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

417 MANUFACTURING OPERATIONS

Manufacturing operations shall include those industrial uses and processing activities provided for in the District Regulations, Article 3. Applications for such activities shall meet the requirements outlined below as well as the standards set forth in the Borough Subdivision and Land Development Ordinance. Additional documentation may also be required where it is deemed necessary by the Borough to protect the health, safety and welfare of its residents.

- A. Manufacturing operations shall abut on and/or provide direct access to a street or highway which is capable of accommodating the anticipated levels and types of manufacturing and employee traffic.
- B. Adequate sewer and water facilities shall be provided by the developer in accordance with the standards of the PA Department of Environmental Protection.
- C. Arrangements for the collection, storage and disposal of solid wastes generated by the proposed manufacturing operation shall be made by the developer and submitted to the Borough for approval as a part of the plan submission process.
- D. The proposed hours, rules, and security arrangements for the facility shall be included as part of the plan submission process. Consideration shall be given not only to the convenience of the manufacturing operation, but the convenience, safety and welfare of the neighborhood in which the industry is to be located.
- E. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or upon public streets.
- F. All outside storage associated with a manufacturing use shall meet the requirements set forth in Section 423 of this Ordinance.
- G. Buffer yards and/or screening shall be provided along the perimeter of the site in accordance with the standards set forth in Sections 505 and 506 of this Ordinance.
- H. Off-street parking and loading areas shall be provided in accordance with the requirements of Article 8 of this Ordinance.
- I. Manufacturing operations shall comply with all applicable local, State or Federal

performance standards, codes and regulations (including the standards of the Department of Environmental Protection pertaining to air, water and noise pollution).

- J. In all activities involving the use or storage of flammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devices standard in the industry.
- K. No activities shall be permitted which emit radio waves or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

418 OUTDOOR RECREATION FACILITIES OR PARKS AND PLAYGROUNDS

Outdoor recreation facilities or parks and playgrounds shall be permitted only in those zoning districts and as specified in the District Regulations, Article 3. In addition, all applications for such uses shall meet the following requirements.

- A. A plan showing the proposed facilities and/or design of the recreational facility shall be provided by the applicant with the Zoning Permit application.
- B. All buildings, structures or active recreation facilities shall be located at least 25 feet from all property lines and shall be screened in accordance with the standards set forth in Section 506 of this Ordinance.
- C. Arrangements for the collection, storage and disposal of solid wastes generated by the facility shall be made by the applicant and submitted to the Borough as a part of the plan submission process.
- D. The proposed hours, rules, and security arrangements for the facility shall be included with the application for the use. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood in which the facility is to be located.
- E. Outdoor security lighting provided for the facility shall be installed and shielded to eliminate direct glare on adjacent properties or upon public streets.
- F. No public address system shall be permitted, except where such system will be inaudible at all property lines.
- G. The off-street parking requirements set forth in Article 8, and all other applicable standards of this Ordinance shall be met.

419 ESSENTIAL SERVICES

Essential services may be permitted in all zoning districts of the Borough, but shall meet the following standards.

- A. Public utility structures, including substations, water pumping stations, and/or sewage

treatment plant facilities shall be designed and constructed to be compatible with the general character (appearance and structural material) of the other structures within the district in which they are located.

- B. Structures may be permitted for the housing of transformers, pumps and similar equipment subject to the yard requirements set forth in Article 3, the District Regulations. Such structures shall house only that equipment and/or vehicles necessary to provide normal maintenance and repair for the systems, except in the General Commercial and Central Business District 1 & 2 where related business office space may also be provided.
- C. All outside storage areas associated with utility services shall meet the requirements of Section 423 of this Ordinance.

420 SWIMMING POOLS, SPAS, AND HOT TUBS

A. Private Swimming Pools

Private swimming or bathing pools (pools used by the owner and guests), spas, and hot tubs may be permitted as accessory uses to any principal residential use, but must comply with the following requirements.

1. Every outdoor private swimming pool, spa, or hot tub, containing water more than 24 inches in depth, shall be completely surrounded by a fence or wall not less than four (4) feet in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Further, such gates and doors shall be designed and maintained in accordance with all applicable building and property maintenance codes.
2. A dwelling or accessory structure may be used as part of the required enclosure.
3. The pool, spa, or hot tub shall not be located within any front yard nor be closer to any side or rear property line than is established for accessory structures in the district where the use is located.

B. Public or Semi-Public Swimming Pools

Public or semi-public swimming or bathing pools shall be defined as those facilities available for use by the public or specified groups or organizations, including pools owned and operated by municipal governments, private organizations, or pools provided in conjunction with motels or similar lodging facilities, residential or institutional developments, or mobile home parks. Such pools shall be subject to all requirements established by the PA Department of Environmental Protection.

421 HOME OCCUPATIONS

Where not prohibited by deed restrictions or other covenants or agreements restricting the use of land, no-impact home-based businesses and other home occupations may be

permitted subject to the following requirements.

A. No-Impact Home-Based Businesses

No-impact home-based businesses may be permitted in the R-1, R-2, R-3, and PRD Zoning Districts subject to the following standards.

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business activity shall be conducted *entirely within the owner's dwelling* and may occupy no more than 25% of the floor area of the residence.
3. The business shall employ no employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
6. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
7. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
8. The business shall not involve any customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess of that normally associated with a residential use.
9. The business shall not involve any illegal activity.

B. Home Occupations

Home occupations meeting the following standards may be located within the R-1, R-2, R-3, PRD, C, and CBD 1 & 2 Zoning Districts.

1. The home occupation shall be clearly secondary to the principal residential nature or use of the dwelling.
2. A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safe and comfortable enjoyment of the neighborhood in which the use is located.

3. The area devoted to the permitted home occupation shall be located wholly within either the operator's dwelling or a building accessory thereto.
4. A home occupation may occupy no more than 33% of the gross floor area of the dwelling, except in the case of home offices, which may utilize no more than 50% of the gross floor area of the dwelling, and family day care homes, for which the entire dwelling may be utilized.
5. Permitted home occupations shall be operated by the members of the family residing on the premises and not more than one (1) additional non-resident employee, except in the General Commercial or Central Business District 1 & 2, where a home occupation may utilize as many non-resident employees as appropriate or necessary.
6. There shall be no exterior display or sign, except as may be permitted in Article 7, and no outside storage of materials associated with the business shall be permitted on the premises.
7. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.
8. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood.
9. A minimum of two (2) additional off-street parking spaces shall be provided for all home occupations.
10. Not more than one (1) of the following service-oriented uses may be permitted as a home occupation in any dwelling unit.
 - a. Home office for physician, dentist, attorney, real estate or insurance agent, engineer, architect, accountant, or other professional;
 - b. Barber and/or beauty shop;
 - c. Family day care home;
 - d. Tutoring facility;
 - e. Custom dressmaking facility; or
 - f. Fine arts or photography studio.
11. Requests for other home occupations not specified above may be submitted to the Zoning Hearing Board for consideration. Upon finding of the Board that such use complies with the criteria of this Section, other applicable codes and ordinances in effect in the Borough, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located, such use may be approved.

422 ACCESSORY RESIDENTIAL USES

Accessory residential uses, including apartments or dwelling units above or adjoining a commercial use, may be permitted in the High Density Residential, General Commercial, and Central Business Districts 1 & 2. Every such proposed use shall also meet the requirements outlined below.

- A. All such uses must remain secondary to the principal commercial use of the structure, if applicable.
- B. The minimum gross floor area requirements for new construction or conversions proposed after the effective date of this Ordinance shall be as set forth in Section 402 of this Ordinance shall be met.
- C. The off-street parking requirements set forth in Article 8 of this Ordinance shall be met for both the commercial and residential uses.
- D. No commercial building in the Central Business District 1 may provide for residential use on the first floor.

(Revised August 27, 2014 per Ordinance # 1191)

423 OUTSIDE STORAGE

For the purposes of this Ordinance, the outside storage of goods, materials, or merchandise may only be authorized as accessory to an approved, principal use in the General Commercial, Manufacturing, or Economic Development District and shall be subject to the following standards.

- A. No such storage shall constitute a nuisance, nor be located within 25 feet of a Residential District.
- B. No storage shall be permitted in any front yard and shall be situated so as to meet the applicable side and rear yard setback requirements of the district in which it is located.
- C. No part of a street right-of-way, sidewalk or other area intended or designated for pedestrian use, and no required parking area shall be used for such storage.
- D. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except those directly connected to heating devices or appliances located on the same premises.
- E. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be attractive to rodents or insects shall be stored outdoors only in properly closed and sealed containers.
- F. All such storage areas shall be screened or shielded from view by a fence, wall or screen planting which is open or broken only where necessary for vehicle entrances and exits and to avoid obstructing a clear sight triangle.

- G. No such storage shall be permitted in any designated Floodway District. Where permitted within a Flood Fringe or General Floodplain District, all such storage shall be floodproofed to avoid being transferred from the site during times of flooding.

424 TEMPORARY USES AND STRUCTURES (SEE ALSO SECTION 425)

Temporary uses such as carnivals, circuses or open-air cultural, religious, or sporting events may be held in the Borough, but shall require the issuance of a Temporary Zoning Permit. (Community events which do not exceed a single day in duration shall be exempt from these requirements). Temporary Permits for such events shall be valid for no more than 14 days and shall be issued only after the applicant has met the following requirements.

- A. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written statement from the owner of the property in which he agrees to the temporary use of his property.
- B. The applicant shall provide sufficient insurance coverage to adequately protect the Borough against any damage, accident or other claim resulting from the event. Evidence of such insurance shall be submitted as a part of the Permit application.
- C. The site of such temporary use shall not be left unattended by the applicant or agents of the applicant at any time during which the use is located on the site.
- D. Information concerning water supply and sewage disposal facilities to be used shall be presented to the Borough by the applicant with assurance from the PA Department of Environmental Protection or the Borough's Sewage Enforcement Officer that such arrangements are adequate.
- E. Any solid waste generated by the temporary use shall be collected and disposed of by the applicant in a fashion determined appropriate by the Borough.
- F. The applicant shall assure the Borough that all vendors intending to dispense food or beverages to the public will be properly licensed or approved by the PA Department of Health, where applicable.
- G. Assurance shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions will be taken.
- H. All wagons, tents, temporary structures, animals and any other materials brought to the site, as well as all debris or refuse generated by the event, shall be removed by the applicant within the time limit stated on the Temporary Permit and prior to vacating the site.
- I. Noise levels associated with the activity shall be controlled to avoid creating a nuisance or disturbance in the vicinity of the use.

The Zoning Officer shall note on the Temporary Permit or attach to the Permit application, information that demonstrates that the applicant has agreed to or complies with the requirements of this Section. The Zoning Officer shall inspect the site as necessary to ensure that the provisions of the Permit are followed.

425 TEMPORARY USES IN FLOODPLAIN AREAS

Temporary uses such as carnivals, circuses or open-air cultural, religious, or sporting events may also be held in the General Floodplain District of the Borough, but shall require the issuance of a Temporary Zoning Permit. All such uses shall be subject to the standards of Section 424 above. Further, if there is a threat of flooding or a flood warning is issued by the National Weather Service, all wagons, tents, structures, animals and other materials associated with the temporary use shall be removed completely from of the identified floodplain. This shall be done promptly before the threat of flood becomes a reality.

426 WATER-RELATED USES

Water-related uses, including docks, piers, marinas, and other similar activities, may be permitted in or along the Susquehanna River as provided in the District Regulations, but shall be subject to all applicable State and Federal rules and regulations. In addition, such uses must adhere to the following standards.

- A. All water-related uses shall be installed so that they create no rise in the 100-year flood level.
- B. Docks must be removed from any designated Floodplain District by their owner during the off-season, and when there is a threat of a flood.
- C. No variance shall be granted to any of the requirements of this Section which would cause a rise in elevation of the 100-year flood or be contrary to the requirements of the National Flood Insurance Program.

427 ADULT ENTERTAINMENT ESTABLISHMENTS

Adult entertainment establishments or facilities shall be permitted only in those zoning districts and as specified in Article 3, the District Regulations. All applications for such uses shall meet the criteria established for retail uses in Section 413 of this Ordinance, as well as the standards outlined below, and all other applicable State or local requirements.

- A. Adult entertainment establishments shall not be located within:
 - 1. 250 feet of the boundary of any Residential District or residential property line; nor within
 - 2. 500 feet of the property line of any church, school, theater, park, playground, or other areas where minors congregate; nor within

3. 250 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages; nor within
 4. 500 feet of the property line of any other adult entertainment establishment.
- B. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
 - C. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk, public place, or residential property. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.
 - D. No person under 18 years of age shall be permitted within an adult entertainment establishment, nor be permitted to purchase or rent any adult entertainment materials.
 - E. Business identification signs shall include no promotional advertisement or pictorial displays.

428 HELIPORT USE

(added 02/27/2013 per Ordinance # 1182)

All heliports shall be private (as per the Pa state regulations 67 PA CODE 471.6) and shall meet the following specific criteria applicable to the use as a conditional use:

- A. A Pennsylvania Department of Transportation Bureau of Aviation Notice of Intent to License for the proposed heliport shall have been issued for the subject property, prior to approval of the conditional use application.
- B. All facilities shall be designed and operated in strict compliance with all rules and regulations appropriate governing agencies of the United States, the Commonwealth of Pennsylvania, Northumberland County, and the Borough of Milton.
- C. Recommended approach/departure paths as designated by the Pennsylvania Bureau of Aviation or the Federal Aviation Administration shall be the flight paths followed by the applicant.
- D. The applicant and users of the heliport shall agree to adhere to the Helicopter Association International guidelines related to noise abatement as published in the *Fly Neighborly Guide*, as amended from time-to-time and helicopter manufacturer's sound abatement guidelines.
- E. The applicant shall comply with National Fire Protection Association 418, *Standards for Heliports*.
- F. Heliports shall be used only for uses appurtenant to a business having primarily other commercial objectives and shall not be the sole or primary use, nor shall it be available for hire or use by the general public or others not affiliated with the principal occupant of

the property.

429 MOBILE FOOD VENDING

(added 02/27/2014 per Ordinance # 1188)

A. Zoning Permits are required for all mobile food vending units.

Exception:

1. Public Events authorized by the Borough.
2. Public Auctions lasting no longer than 3 days maximum.

B. The mobile food vendor and the mobile food vending unit may be allowed in the Manufacturing, Economic Development and the Industrial/Office Park Districts as an Accessory Use when a Zoning Permit application is provided to the Zoning Officer which includes the location and the hours of operation, and the signatures and addresses and phone numbers of the property owner(s) and the mobile food vendor. Also, an agreement containing the following must be included with the Zoning Permit application:

1. An agreement between the property owner(s) and the mobile food vendor which allows the mobile food vendor to operate on the private property, and
2. a statement that the mobile food vendor will sell their goods only to the staff located at that private property and not to the general public, and
3. the agreement shall be signed by the property owner(s) and the mobile food vendor as being true and correct, and
4. the agreement shall be notarized.

C. The mobile food vendor and the mobile food vending unit must be at least 200 feet away from the door of a lawfully established restaurant(s) unless the mobile food vendor provides a notarized letter of consent from the owner(s) of the restaurant(s) allowing the mobile food vendor and the mobile food vending unit within the 200' feet area up to a specified distance, a copy of which shall be kept within the mobile food vending unit.

D. The mobile food vendor must provide both a garbage receptacle and recycling receptacle (glass, cans, and bottles) and properly dispose of the items as provided for by law.

E. Health, food handling and all other permits as required by the federal, state and local laws must be displayed at all times and a copy shall be provided along with the Zoning Permit application.

F. There shall be no tables, chairs, or sit-down type furniture, outside of the mobile food vendor unit.

G. Fees:

1. All mobile food vendor(s) shall pay an annual fee of fifty-dollars (\$50.00) per mobile food vendor unit.

H. Violations:

1. 1st violation will result in a written warning.
2. 2nd violation will result in a one-hundred (\$100.00) fine to be paid to the Borough of Milton.
3. 3rd violation will result in the Zoning Permit being revoked and a one-year suspension of all operations (all mobile food vendor units owned by the violator) within the Borough of Milton limits.
4. 4th violation will result in permanent loss of any Zoning Permit to operate as a mobile food vendor and the mobile food vendor unit.

430 WIRELESS COMMUNICATION FACILITIES

(added 07/16/17 per Ordinance # 1213)

Wireless Communication Facilities, including Towers, antennas, related equipment and broadcast transmission equipment buildings, except satellite receivers less than thirty-nine (39") inches in diameter, transmission facilities required for public safety, and facilities owned or operated by a federally-licensed amateur radio operator.

1. General and Specific Standards for all Antennas. The following regulations shall apply to all Antennas, except those operated by a federally licensed amateur radio operator or Borough-recognized police, fire, ambulance or any other emergency organization or agency:
 - a. Standard of care. All Antennas shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the Pennsylvania Uniform Construction Code, American National Standards Institute (ANSI) Code, and National Electrical Code. Antennas shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel so that the same shall not endanger the life of any person or any property in the Borough.
 - b. Conditional Use authorization required. An Applicant proposing the installation of an Antenna, except those that fall under the provisions of the WBCA, shall apply for Conditional Use authorization from Borough Council. The Conditional Use application shall demonstrate that the proposed Antenna complies with all pertinent provisions of this Ordinance.
 - c. Antennas are permitted only where indicated in Appendix H.
 - d. Historic areas. No Antenna may be located upon any property, or on a building or

structure, that is listed on either the National or Pennsylvania Registers of Historic Places, or that is within the Boundary of the Milton Borough Historic District.

- e. Wind. Antennas shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and the Broadcast Transmission Industry Association (ANSI/TIA-222, as amended).
- f. Aviation safety. Antennas shall comply with all federal and state laws and regulations concerning aviation safety.
- g. Public safety communications. Antennas shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by residents of the borough.
- h. Radio frequency emissions. An Antenna shall not, by itself or in conjunction with other Antennas and/or Wireless Communications Towers, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- i. Removal. In the event that use of an Antenna is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue such use and the date when the use shall be discontinued. Unused or abandoned Antennas, or portions of Antennas, shall be removed as follows:
 - (i) All abandoned or unused Antennas and Related Equipment shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - (ii) If the Antenna or Related Equipment is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the Antenna and/or Related Equipment may be removed by the Borough. As security, the Borough reserves the right to the salvage value of any removed Antenna and/or Related Equipment if such Antenna and/or Related Equipment is/are not removed by the owner as set forth herein.
- j. Insurance. Each person that owns or operates an Antenna shall provide the Borough with a certificate of insurance, naming the Borough as an additional insured, and evidencing general liability coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence and property damage coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence covering the Antenna.

- k. Indemnification. Each person that owns or operates an Antenna shall, at their sole cost and expense, indemnify, defend and hold harmless the Borough, and its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, or their officers, agents, employees or contractors, arising out of, but not limited to, the construction, installation, operation, post construction inspections, maintenance or removal of the Antenna. Each person that owns or operates an Antenna shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of an Antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

 - l. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - (i) Antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - (ii) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.
 - (iii) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

 - m. Removal and Replacement or Modification.
 - (i) To the extent permitted by law, the removal and replacement of Antennas and/or Related Equipment for the purpose of upgrading or repairing the Antenna is permitted, provided that such repair or upgrade does not Substantially Change the overall size of the Wireless Communications Support Structure or the number of Antennas. If a Substantial Change will occur as a result of such removal and replacement, the Applicant shall proceed through the Conditional Use process, demonstrating that the proposed removal and replacement complies with the terms and conditions established herein.
 - (ii) To the extent permitted by state law, any material alteration to an Antenna shall require notice to be provided to the Borough, and possible supplemental permit approval to the original permit or authorization.
2. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Antennas that fall under the WBCA:

- a. Permit required. Antenna Applicants proposing the modification of an existing Wireless Communications Tower or Wireless Communication Support Structure, which does not Substantially Change the dimensions of the existing structure, shall obtain a building permit from the Borough. In order to be considered for such permit, the Applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.
 - b. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for an Antenna is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the Applicant in writing of such decision.
 - c. Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of an Antenna not to exceed the amounts set by applicable state law.
3. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Antennas that do not fall under the WBCA:
- a. Prohibited on Residential Dwellings. To the extent permissible under federal and state law, no Antenna shall be located on any residential dwelling.
 - b. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the Antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these Antenna provisions. The Applicant and/or owner of the Antenna shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
 - c. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of an Antenna, as well as related inspection, monitoring and related costs.
 - d. Development Regulations. To the extent permitted by federal and state law, antennas shall be collocated on existing Wireless Communication Support Structures, subject to the following conditions:
 - (i) The total height of any Wireless Communications Support Structure and mounted Antenna shall not exceed twenty (20') feet above the maximum

height permitted in the underlying Zoning District.

- (ii) In accordance with industry standards and where permitted by state or federal law, all Antenna Applicants must submit documentation to the Borough justifying the total height of the Antenna. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - (iii) If the Applicant proposes to locate the Related Equipment in a separate equipment building, the building shall comply with the minimum setback requirements for the applicable Zoning District, and landscaping shall be required to screen as much of the equipment building as possible.
- e. A chain link security fence with a minimum height of ten (10') feet, including barbed or similar type security wiring at the top of the fence, shall surround any separate Wireless Communications equipment building. Vehicular access to the Wireless Communications equipment building, or any structure housing Related Equipment, shall not interfere with the parking or vehicular circulations on the site for the principal use.
- f. Non-commercial usage exemption. Borough residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio and/or internet connections at their respective residences and amateur radio operators shall be exempt from the regulations enumerated herein.
- g. Design Regulations. Antennas shall employ Stealth Technology and be treated to match the Wireless Communications Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the Applicant shall be subject to the approval of the Borough.
- h. Inspection.
 - (i) Inspection of the Wireless Communications Facility, Wireless Communications Support Structure, and the Equipment Compound shall be performed by the owner, or any authorized agent for the owner, at least one time in every six-month period of time, and a copy of the inspection shall be given to the Borough Code Enforcement Officer.
 - (ii) The Borough reserves the right to inspect any Antenna to ensure compliance with the provisions of this Chapter and any other applicable provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which an Antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance.

4. Regulations Applicable to all Antennas Located within the Public Rights-of-Way. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Antennas located within the public rights-of-way:
- a. Colocation. Antennas within the right-of-way shall be collocated on existing poles, such as existing utility poles or light poles. If collocation is not technologically feasible, the Applicant, with the Borough's approval, shall locate its Antennas on existing poles or freestanding structures that do not already act as Wireless Communications Support Structures. Documentation shall be provided to the Borough indicating the Wireless Communications Support Structure is able to structurally support the additional loads and continues to withstand 100 mph wind.
 - b. Design Requirements:
 - (i) Antenna installations located above the surface grade in the public right-of-way including, but not limited to, those on streetlights and utility poles, shall consist of equipment components that are no more than six (6') feet in 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.
 - (ii) Antennas and Related Equipment shall be treated with Stealth Technology by the Antenna owner or Applicant to match the Wireless Communications Support Structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 - c. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Antennas in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
 - d. Equipment Location. Antennas and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or vehicle site distance, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the Borough. In addition:
 - (i) Ground-mounted Related Equipment shall be located between the sidewalk and the curb. For reasons of safety and aesthetics, such equipment shall neither protrude onto the curb nor obstruct the sidewalk nor obstruct the site distance of a vehicle.

- (ii) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - (iii) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
 - (iv) Any graffiti on any Wireless Communications Support Structures or any Related Equipment shall be removed at the sole expense of the owner within 30 days after being notified.
- e. Relocation or Removal of Wireless Communication Facilities. Within two (2) months following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, the owner of an Antenna in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Antenna when the Borough, 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 the following circumstances:
- (i) the construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
 - (ii) the operations of the Borough or other governmental entity in the right-of-way;
 - (iii) vacation of a street or road or the release of a utility easement; or
 - (iv) an emergency as determined by the Borough.
 - (v) No permit is required for such removal, relocation, change or alteration ordered by the Borough.
 - (vi) The site shall be restored to the predevelopment condition by the owner of the Wireless Communication Facility.
5. General and Specific Standards for Wireless Communications Towers. The following regulations shall apply to all Towers, excluding any Tower that is owned and operated by a federally licensed amateur radio operator:
- a. Standard of care. Towers shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code and National Electrical Code, as well as the accepted and

responsible workmanlike industry practices of the National Association of Tower Erectors. Towers shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Borough.

- b. Notice. Upon submission of an application for a Tower and the scheduling of the public hearing upon the application, the Applicant shall mail notice to all owners of every property within five hundred (500') feet of the proposed facility. The Applicant shall provide proof of such notification to the Borough.
- c. Conditional Use authorization required. Towers are permitted by Conditional Use in certain areas, and at a height, as permitted in Appendix H. No Applicant shall have the right under these regulations to erect a Tower to the maximum height specified in this section unless it proves the necessity for such height. The Applicant shall demonstrate that the Tower is the minimum height necessary for the service area.
 - (i) Prior to Borough Council's approval of a Conditional Use authorizing the construction and installation of a Tower, it shall be incumbent upon the Applicant for such Conditional Use approval to prove to the reasonable satisfaction of Borough Council that the Applicant cannot adequately extend or infill its Wireless Communications system by the use of equipment, such as redoes, repeaters, antennas and other similar equipment, installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The Applicant shall further demonstrate that the proposed Tower must be located where it is proposed in order to serve the Applicant's service area and that no other viable alternative location exists.
 - (ii) The Conditional Use application shall be accompanied by a propagation study evidencing the need for the proposed Tower or other Wireless Communication Facilities and Related Equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the Applicant, the power in watts at which the Applicant transmits, and any relevant related tests conducted by the Applicant in determining the need for the proposed site and installation.
 - (iii) The Conditional Use application shall be accompanied by documentation demonstrating that the proposed Tower complies with all state and federal laws and regulations concerning aviation safety.
 - (iv) Where the Tower is located on a property with another principal use, the Applicant shall present documentation to Borough Council that the owner of the property has granted an easement for the proposed Tower and that vehicular access will be provided to the facility.

- (v) The Conditional Use application shall be accompanied by documentation demonstrating that the proposed Tower complies with all applicable provisions in this Section.

- d. Engineer inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Tower, a structural engineer registered in Pennsylvania shall issue to the Borough a written certification of the proposed Tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the Conditional Use hearing, or at a minimum, be made as a condition attached to any approval given that such certification be provided prior to issuance of any building permits.

- e. Fence. A chain link security fence with a height of ten (10') feet minimum, including barbed or similar type security wiring at the top of the fence, shall completely surround any Tower greater than thirty-five (35') feet in height, as well as guy wires, or any building housing Related Equipment. An evergreen screen shall be required to surround the site, which must be a minimum height of six (6') feet at planting and grow to a minimum of fifteen (15') feet at maturity.

- f. Visual appearance and design. Towers shall employ Stealth Technology, which may include the Tower portion to be painted silver or another color approved by Borough Council. All Towers and Related Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. Application of the Stealth Technology chosen by the Applicant shall be approved by Borough Council.

- g. Colocation and siting. An application for a new Tower shall demonstrate that the proposed Tower cannot be accommodated on an existing or approved structure or building. Borough Council may deny an application to construct a new Tower if the Applicant has not made a good faith effort to mount a Wireless Communication Antenna on an existing structure. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings and Towers within a one-mile radius of the site proposed, sought permission to install an antenna on those structures, buildings and Towers, and was denied for one of the following reasons:
 - (i) the proposed Antenna and Related Equipment would exceed the structural capacity of the existing building, structure or Tower;

 - (ii) the proposed Antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure or Tower and the interference cannot be prevented at a reasonable cost; or

- (iii) such existing buildings, structures or Towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function; or
 - (iv) a commercially reasonable agreement could not be reached with the owner of such building, structure or Tower.
- h. Permit required for modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Tower, which increases the overall height of such Tower, shall first obtain a building permit from the Borough. Non-routine modifications that do not fall under the WBCA or the FCC's October 2014 Report & Order shall be prohibited without such permit.
- i. Gap in coverage or deficiency in capacity. An application for a Tower must demonstrate that a significant gap in wireless coverage or deficiency in capacity exists in the applicable area, and that the type of Wireless Communications Facility being proposed is the least intrusive means by which to fill such gap. The existence or non-existence of a gap in wireless coverage or deficiency in capacity shall be a factor in the Borough's decision on an application for approval of a Tower.
- j. Additional Antennas. As a condition of Conditional Use approval for all Towers, the Applicant shall provide the Borough with a written commitment that it will allow other service providers to collocate antennas on its Tower where technically and economically feasible. The owner of a Tower shall not install any additional antennas without obtaining the prior written approval of the Borough.
- k. Wind. Tower structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and the Telecommunications Transmission Industry Association (ANSI/EIA/TIA-222), as amended.
- l. Height. The total height of any Wireless Communications Support Structure and mounted Antenna outside the public rights-of-way shall not exceed twenty (20') feet above the maximum height permitted in Appendix H.
- m. Related Equipment. Related Equipment shall either be housed in an equipment building or on a pad not to exceed five hundred (500) square feet unless the Applicant can otherwise prove to the satisfaction of Borough Council that its proposed Tower necessitates a larger area for equipment storage purposes.
- n. Public safety communications. No Tower shall interfere with public safety communications or the reception of broadband, television, radio, or other

communication services enjoyed by occupants of nearby properties.

- o. Maintenance. A Tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents, and utilize the best available technology for preventing failures and accidents.
- p. Inspection of the Wireless Communications Facility, Wireless Communications Support Structure, and the Equipment Compound shall be performed by the owner, or any authorized agent for the owner, at least once time in every six-month period of time, and a copy of the inspection shall be given to the Borough Code Enforcement Officer.
- q. Radio frequency emissions. A Tower shall not, by itself or in conjunction with other Antennas or Towers, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- r. Historic areas. A Tower shall not be located upon a property and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or that is recognized by the Borough as an Historic Structure.
- s. Signage. All Wireless Communication Towers & Facilities 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 Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the Borough.
- t. Lighting. No Tower shall be artificially lighted, except as 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. The Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities. Required lighting shall have an emergency power backup system.
- u. Noise. All Wireless Communications Towers and Wireless Communications Facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state and local law. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis.

- v. Aviation safety. Towers shall comply with all federal and state laws and regulations concerning aviation safety.
- w. Retention of experts. The Borough may hire any consultant and/or expert necessary to assist the Borough in reviewing and evaluating the application for approval of the Tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The Applicant and/or owner of the Tower shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- x. Timing of approval. Within thirty (30) calendar days of the date that an application for a Tower is filed with the Borough, the Borough shall notify the Applicant in writing of any information that may be required to complete such application. All applications for Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower and the Borough shall advise the Applicant in writing of its decision.
- y. Non-conforming uses. Non-conforming Towers 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 section.
- z. Removal. In the event that use of a Tower is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue such use and the date when the use shall be discontinued. Unused or abandoned Towers shall be removed within six (6) months of the cessation of operations at the site, and the site restored to the predevelopment condition unless the Borough approves a time extension. If the Tower and Related Equipment are not removed within such time, the Tower and Related Equipment may be removed by the Borough and the cost of removal assessed against the owner of the Tower.
- (aa) Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Tower, as well as related inspection, monitoring and related costs.
- (bb) FCC license. Each person that owns or operates a Tower over thirty-five (35') feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility, on an annual basis.
- (cc) Insurance. Each person that owns or operates a Tower greater than thirty-five (35') feet in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of Five Million

(\$5,000,000.00) Dollars per occurrence and property damage coverage in the minimum amount of Five Million Dollars (\$5,000,000.00) Dollars per occurrence covering the Tower. Each person that owns or operates a Tower thirty-five (35') feet or less in height shall provide the Borough with a certificate of insurance evidencing general liability coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence and property damage coverage in the minimum amount of One Million (\$1,000,000.00) Dollars per occurrence covering each Tower.

- (dd) Indemnification. Each person that owns or operates a Tower shall, at their sole cost and expense, indemnify, defend and hold harmless the Borough, and its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, or their officers, agents, employees or contractors, arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower. Each person that owns or operates a Tower shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of the Tower. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- (ee) Financial security. Prior to receipt of a zoning permit for a Tower, the Applicant shall provide to the Borough financial security sufficient to guarantee the removal of the Tower. Said financial security shall remain in place until the Tower is removed.

6. In addition to the regulations enumerated hereinabove, the following regulations shall apply to Towers located outside the public rights-of-way:

a. Development Regulations.

- (i) Towers are permitted by Conditional Use where indicated in Appendix H.
- (ii) Sole use on a lot. A Tower shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size specifications set forth in this Article III.
- (iii) Combined with another use. A Tower may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, subject to the following conditions:
 - (a) As permitted only where indicated in Appendix H,

- (b) The existing use on the property may be any permitted use in the applicable district,
 - (c) Minimum lot area. The minimum lot shall comply with the requirements for the applicable Zoning District and shall be the area needed to accommodate the Tower and guy wires, the accessory equipment, equipment building, equipment compound, chain link security fence, landscape buffer planting, and screening, if the proposed Tower is greater than thirty-five (35') feet in height. If combined with another Use on the lot, then each Use shall comply with the requirements for the applicable Zoning District,
 - (d) Minimum setbacks. The minimum distance between the base of a Tower and any adjoining property line or street right-of-way line (not lease line) shall be equal to one hundred-twenty (120%) percent of the height of the Tower and Antennas, or the maximum setback of the underlying Zoning District, whichever is greater. The setbacks are implemented to protect surrounding properties should a Tower collapse and are thus related to the height of the tower and antennas.
- b. Surrounding Environs. The Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the Wireless Communications Facility shall be preserved to the maximum extent possible. Landscaping (buffer planting) shall be required to screen as much of a newly constructed Tower as possible. Borough Council may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of Borough Council, they achieve the same degree of screening.
- c. Related Equipment.
- (i) Ground-mounted Related Equipment associated to, or connected with, a Tower shall be placed underground or screened from public view using Stealth Technology.
 - (ii) All Related Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying Zoning District.
- d. Access Road. For Towers greater than thirty (35') feet in height, an access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the Tower. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the owner shall present documentation to the Borough

that the property owner has granted an easement for the proposed facility.

- e. Parking. For each Tower greater than thirty-five (35') feet in height, there shall be two off-street parking spaces minimum.
 - f. Inspection. The Borough reserves the right to inspect any Tower not located in the right-of-way to ensure compliance with this Chapter and any other applicable provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a Tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.
7. In addition to all applicable regulations enumerated hereinabove, the following regulations shall apply to Towers located within the public rights-of-way.
- a. Location and Development Standards.
 - (i) Towers greater than thirty-five (35') feet in height are prohibited.
 - (ii) Towers are prohibited where all public service utilities are primarily located underground within one-hundred (100') feet of the proposed Tower or Base Station.
 - (iii) Towers shall not be located in the front façade area of any structure.
 - (iv) Towers shall be permitted along those roads and corridors throughout the Borough, regardless of the underlying Zoning District, as shall be determined from time to time by resolution of Borough Council.
 - b. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Towers in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
 - c. Equipment Location. Towers and Related 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 right-of-way as determined by the Borough. In addition:
 - (i) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18") inches of the face of the curb.
 - (ii) Ground-mounted Related Equipment shall be screened, to the fullest extent

possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.

- (iii) Any graffiti on the Tower or on any Related Equipment shall be removed at the sole expense of the owner within 30 days after being notified.
 - d. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Tower in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Tower when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - (i) the construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
 - (ii) the operations of the Borough or other governmental entity in the right-of-way;
 - (iii) vacation of a street or road or the release of a utility easement; or
 - (iv) an emergency as determined by the Borough.
 - e. Reimbursement for Right-of-Way Use. In addition to permit fees as described in this Section, every Tower in the right-of-way is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the Borough's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the Borough. The owner of each Tower shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described herein.
8. Police Powers: The Borough, by granting any permit or taking any other action pursuant to Section 430, does not waive, reduce, lessen, or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.
9. Severability: If any part, subsection, sentence, clause, phrase, or word of this Section 430 is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this Ordinance invalid.

10. Appeals: Any person adversely affected by any final action or failure to act by the Borough that is inconsistent with the provisions of this act may, within 30 days after the action or failure to act, file an appeal with the Milton Zoning Hearing Board or the Northumberland County Court of Common Pleas, whichever is applicable.

431 ALTERNATIVE (RENEWABLE) ENERGY SYSTEMS (solar, wind, geothermal, hybrid Combinations and hydrogen) (added 09/13/2023 per Ordinance # 1249)

It is the purpose of this section to provide safe, effective, and efficient use of installed renewable energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses and properties. It is the Borough's goal to provide property owners and business owners/operators with flexibility of satisfying their on-site energy needs and assuring continuing electrical supply during utility blackouts, reductions in overall energy costs, and the ability to sell power to the utility grid.

A. Definitions:

Acoustic: Sound

Agrivoltaics: The co-development of the same area of land for both solar photovoltaic power and "Normal Farming Operations" as defined by P.L. 454, No.133 (1982) the Protection of Agricultural Operations from Nuisance Suits and Ordinances Act, or any successor laws.

Alternative Energy: Solar, Wind Turbine, Geothermal, and other energy that is converted to supply energy for consumer use.

Alternative Energy Farms: Systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on-site.

Alternative (Renewable) Energy System (Principal Use): A commercially operated alternative energy system used to convert alternative energy to primarily supply energy for off-site customer use, including but not limited to an "Alternative Energy Farm". Examples are Solar Farms and Wind Turbine Farms.

Alternative (Renewable) Energy System (Accessory Use): A residentially or commercially operated alternative energy system used to convert alternative energy to primarily supply energy for on-site use, including but not limited to roof mounted, or free-standing equipment.

Borough Council: The elected governing body of Milton Borough, Northumberland County, PA.

City Water: Water supplied by the utility company such as the PA American Water Company.

Conditional Use: A principal use allowed in certain districts, as provided for in Article 3, which may only be authorized by the Borough Council as set forth in Section 1101 of this Ordinance, after review and recommendation of the Borough Planning Commission.

Continuous Sound: A sound whose intensity remains essentially constant during the period of observation and shall be measured by the slow response setting of a sound level meter.

Decibel: A unit of measure that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a pressure of 0.0002 microbar abbreviated dB.

Decommissioning: The phase of an Alternative Energy System after the operational phase during which all associated equipment is removed from site.

Developer (Alternative Energy System): A company that sees an Alternative Energy System from idea to construction, including identifying suitable land; conducting relevant technical studies for the site; obtaining necessary local, state, and/or federal permits; finding a buyer for the power to be produced; obtaining financing to build the Alternative Energy System; and identifying a company to build the Alternative Energy System. Many times, the developer sells the Alternative Energy System to another company once the building is set to start or once it is built.

Due Diligence: The research and analysis done by both parties in a legal agreement to thoroughly investigate the details of the transaction in question.

Easement: A legal right to some part of another's private land.

Escrow: Funds paid by the developer and held for use in decommissioning an Alternative Energy System site at the end of the lease term and restoring the land to pre-project condition.

Facility: One or more buildings, structures, pieces of equipment, units, etc. that are provided for a particular purpose or specific use.

Financial Security: A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a Federal or Commonwealth chartered lending institution in the amount of 110% of the total proposed decommissioning costs and in a form satisfactory to the Borough Council and the Borough Solicitor.

Geothermal Energy Facility: A generating facility capable of capturing and converting hydrothermal energy into hydronic or electrical energy sources.

Gigawatt (GW): A unit of power equal to 1 billion watts, 1 million kilowatts, or 1,000 megawatts.

Grid Scale Solar (GSS): Solar installation intended to supply power to the grid for use off-site from where the panels are; typically, > 5 MW. Also called "Utility Scale Solar."

Hybrid Energy System: A system that combines electrical input from multiple sources (solar, wind, geothermal, utility) into a bank of storage batteries.

Ice Throw: Any ice gathered on the rotating blades of a wind turbine that detaches and is thrown.

Improvements Guarantee: A written and financially backed agreement between the Developer and the Borough of Milton that the Developer must complete the job otherwise the Borough could either finish the job or return the property to a pre-existing condition using the Developer funds as set aside by the agreement.

Impulse Sound: A single or multiple sound event characterized by a rapid rise to a maximum sound pressure of high intensity, followed by a somewhat slower decrease in sound pressure. The duration of an impulse sound event, which includes a combination or rise time, peak amplitude, and decay, shall be no more than one second. Impulse sound shall be measured using unweighted peak dB levels and the fast setting of a sound level meter. Impulse sound may include, but is not limited to, sound from weapons fire, pile drivers or blasting.

Interconnection: The technical and practical link between the alternative energy generators, including hybrid sources such as wind, solar, geothermal, and multiple units of each, storage batteries, controllers, and grid providing electricity to the greater community.

Inverter: Electrical equipment that converts direct current (DC) produced from the sun's rays to alternating current (AC), which powers most electrical equipment.

Kilowatt: A standard unit of electrical power equal to 1,000 watts.

Lease: A legally binding agreement between the Alternative Energy System developer and a landowner granting the developer the right to develop the land for Energy production.

Letter of Intent: Document sent by the Alternative Energy System developer to landowner. Sometimes comes before the option agreement. Can be legally binding and lay out terms of a potential lease. The main purpose is often to establish a nondisclosure agreement specifying that future terms negotiated cannot be disclosed. Also called term sheet or preliminary agreement.

Megawatt: The standard measure of a solar array's generating capacity; equal to 1,000 kilowatts or 1,000,000 watts.

Net Metering Agreement: An agreement with a local electric utility that allows customers to receive credit for surplus electricity generated by certain Renewable (Alternative) Energy Systems.

Nondisclosure agreement (NDA): A provision common to many Alternative Energy System leases stating that a signer may not divulge sensitive information contained in the agreement.

Noise (Sound): Emitted and audible sound which shall be measured / detected as noted.

Photovoltaic (PV): Pertaining to the direct conversion of light into electricity.

Planning Commission: The Planning Commission of Milton Borough, Northumberland County, PA.

Power Purchase Agreement: A contract between the producer of the power and the purchaser of the electricity generated through the Alternative Energy System. It addresses how much energy the purchaser will buy and at what cost.

Right-of-Way (ROW): The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

Shed: A simple single story roofed structure on a property detached from any main structure that is used for storage, hobbies, or a workshop.

Small Wind Turbine Device: Shall mean and include small wind turbine devices, wind generators and systems producing from 1 to 100 kWh of electricity, and which are designed to be mounted on a pole or tower or to be attached to the principle or an accessory structure and used to generate power to serve structure(s) located on the same lot.

Solar Array: A system of a group of solar panels connected together.

Solar Array Connection: The low-voltage electric lines which connect Solar Related Equipment.

Solar Easement: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy Farms: Systems which exist solely to generate energy for sale back into the energy grid system, rather than being consumed on-site.

Solar Energy Project: A grouping of two or more Solar Energy Facilities which are held by the owner or leased to a common lessor, and which are part of a single solar energy production development project.

Solar Energy Project Owner: The individual, group, or entity responsible for the permitting, construction, and operation of a Solar Energy System Facility or Solar Energy Project. (SEF Developer)

Solar Energy System (Principle): Consists of one or more free-standing ground, or roof mounted solar collective devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures solely used for electric or thermal energy generation for sale onto the grid system and for off-site consumer uses.

Solar Energy System (Accessory): Consists of one or more free-standing ground, or roof mounted solar collective devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures solely used for electric or thermal energy generation and is intended to primarily reduce dependence on off-site utility power or fuels for the principal structure or building uses.

Solar Energy System Facility (SEF): An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principle solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Solar Facility Connection: The high-voltage electric conveyance lines which connect a Solar Energy System Facility to the high-voltage electric interconnection grid.

Solar, Wind Turbine, Hybrid, and other Energy Generation Farms: Generating facilities capable of capturing and converting solar or wind or thermal or hydro into electrical or heat energy sources.

Solar Flower (Smart Flower): A flower-shaped solar panel array that attracts the sun and is completely portable.

Solar Module: Solar cells grouped to collect the sun's energy.

Solar Panel: That part or portion of a Solar Energy System containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Project Connection: The electric conveyance lines which connect a Solar Energy System Facility to the high-voltage electric interconnection grid.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collection device panel, lines, pumps, batteries, mounting brackets, framing and foundations or other structures used for or intended to be used for collection of solar energy.

SOLAR SYSTEM DEVICE(S): A panel or collection system that converts the sunlight into an energy source through devices such as Photovoltaic (Electricity) Panels or Thermal (Heating Water or Air) Panels with tubing or a collection box. May be used for residential, commercial, industrial, or manufacturing as noted in Appendix A.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and refraction of that medium. The description of sound may include characteristics of such sound, including duration, intensity, and frequency.

Sound Level Meter: An instrument to measure sound pressure levels which shall meet or exceed the American National Standards Institute (ANSI) Standard S1.4 for a "type two" meter and shall be calibrated by the manufacture or a company that can certify the calibration at least one time each year.

Storage Batteries: Batteries that store electricity from renewable sources which are used directly to power a household, farm, or business with utility power as a backup.

Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor pane.

Utility Scale Solar: See "Grid Scale Solar."

View Shed: The geographical area of land, water, or other environmental elements that is visible to the human eye from a fixed vantage point or location. It includes all surrounding points that are in "line-of sight" with the location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees).

Wildlife Corridor: An area of habitat connecting wildlife populations separated by human activities or structures (such as roads, development, or logging).

Wind Energy Device: A wind driven system that converts wind power into an electric energy source through devices such as Wind Turbines, Windmills, etc. May be used for residential, commercial, industrial or manufacturing.

Wind Energy Facility: An Electric generating facility, with the purpose of electricity supply, consisting of one or more wind turbines and other ancillary associated buildings and structures, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Wind Turbine: A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, which may be of horizontal or vertical shaft design.

B. General Design and Installation Standards.

The alternative or renewable energy system must be constructed to comply with all applicable State, Federal, and Local Codes, including the Pennsylvania Uniform Construction Code (PA UCC) in effect when a building permit application is filed with the Borough. The alternative or renewable energy system shall also comply with any and all regulations adopted by the Pennsylvania Department of Labor and Industry (PA L & I) as they relate to the PA UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority. Submission of a zoning and/or a building permit application to the Borough is required.

Continuous noise at the device(s) from any facility shall be no more than 80 decibels, nor an Impulse Sound noise more than 100 decibels. Measurement of noise emanating from any facility shall be measured with the Borough's noise standard measuring device. Noise from any Solar Energy System Facility shall not exceed forty-five (45) decibels at the lot line. A sound level meter, dosimeter or other similar device may be used for measuring and reporting acoustic emissions from an alternative energy facility.

Secure perimeter fencing shall be installed around the ground mounted energy facility and/or equipment. The fencing shall not be constructed within any required landscape buffer nor road right-of-way. The fencing may be chain link construction with rubberized coating in neutral earth tone colors such as black or brown with privacy slats, or privacy fencing may be used. Fencing shall be 8' high minimum. A clearly visible warning sign shall be placed at the base of all pad mounted equipment and on the fence surrounding the facility informing individuals of potential voltage hazards.

Land Development Plans shall be required for all Principal Use Energy Systems and Facilities and shall meet or exceed the minimum requirements of the Milton Borough (SALDO) Subdivision and Land Development Ordinance.

Each location or site shall be posted with a sign indicating the emergency contact information and the owner and contact information.

Maintenance shall be performed on an as needed basis and shall meet or exceed the Borough Quality of Life & Property Maintenance Code requirements.

There shall be no direct harmful glare creating hazardous conditions. A glare study shall be required on any Principal Use Energy System.

Screening & Buffering shall be landscaping to help the Facility to blend into the surroundings and help deaden noise that is being emitted.

The final finish shall not be objectionable nor unfinished.

The Principal Use Energy System and Facility owners/operators shall provide the Borough Police and Fire Departments with keys for emergency access & training for Emergency Response to and possible incidents such as fire, flooding, security breach, electrocution, etc.

Improvements Guarantee shall be posted and maintained with the Borough in an account equal to one hundred twenty-five percent (125%) of the estimated installation costs, for as long as the facility is being built and Land Development performed, regardless of change of ownership of the facility or property on which it sits.

Stormwater, erosion control, driving access, and Fire Dept. equipment access shall be addressed for every Principal Use Energy System and Facility as part of the Land Development Plan submission to the Borough Engineer.

Decommissioning Funds shall be posted and maintained with the Borough in an interest bearing account equal to one hundred twenty-five percent (125%) of the estimated decommissioning costs, for as long as the facility exists, regardless of change of ownership of the facility or property on which it sits. Decommissioning shall include removal of solar panels, buildings, cabling, electrical components, roads, foundations, and any other associated facilities, and returned to a stabilized, graded & seeded sight. Decommissioning costs shall be re-evaluated every ten years maximum, and the fee increased if needed.

If the facility owner, operator, or property owner fails to appropriately complete decommissioning, the Borough may take such action as necessary to complete the decommissioning. The entry into and submission of evidence of a Participating Landowner 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.

An independent and certified professional engineer shall estimate the total cost of decommissioning without regard to salvage value for the equipment.

Decommissioning funds shall be deposited into a refundable escrow of the same amount with the Borough.

Yard/Setback Requirements shall be as indicated in Article 3 Section 302 – 314 unless otherwise noted.

The property tax valuation shall be at a Commercial Rate whether or not the property is developed for Principal Energy Systems and Facilities.

C. Geothermal Energy Facility – Conditional Use as an Accessory Use is required.

Borough Council Conditional Use approval is required for the construction of any geothermal energy facility that is an accessory use on any site or lot. The zoning permit application shall indicate the location of the proposed facility. This requirement is to prevent damage to the Borough infrastructure by the well drilling equipment. The facility shall be supplied by “city water”.

The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility’s impacts will be minimized for surrounding properties and the community. This may include, but is not limited to information regarding site selection, facility design or appearance, buffering and screening of ground mounted electrical control equipment, or well locations, depths, etc.

Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6” x 6” in size.

To the extent applicable, all geothermal energy facilities shall comply with the PA UCC and regulations promulgated by the PA L & I.

All electrical components of geothermal energy facilities shall conform to relevant and applicable Local, State, Federal and National Codes, and relevant and applicable international standards.

Geothermal energy facilities shall meet the Accessory Structure setbacks that may apply in the Zoning district within which the facility is constructed and where no such setback is specified, the facility shall not be closer than (35’) thirty-five feet from any property line.

No facility shall be installed any closer than (10’) ten feet to a swimming pool or other open body of water.

D. Geothermal Energy Facility – Conditional Use as Principal Use is required.

The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility’s impacts will be minimized for surrounding properties and the community. This may include, but is not limited to information regarding site selection, facility design or appearance, buffering and screening of ground mounted electrical control equipment, or well locations, depths, etc.

Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6” x 6” in size.

To the extent applicable, all geothermal energy facilities shall comply with the PA UCC and regulations promulgated by the PA L & I.

All electrical components of geothermal energy facilities shall conform to relevant and applicable Local, State, Federal and National Codes, and relevant and applicable international standards.

Geothermal energy facilities shall meet the Accessory Structure setbacks that may apply in the Zoning district within which the facility is constructed and where no such setback is specified, the facility shall not be closer than (35') thirty-five feet from any property line.

The following project information shall be submitted to the Borough for every proposed geothermal energy facility.

The Project Narrative shall include the following:

1. An overview of the project.
2. Property location(s).
3. The approximate generating capacity(s).
4. The number of units to be constructed.
5. The types of units to be constructed.
6. The heights of units to be constructed.
7. The dimensions of the unit(s).
8. The manufacturer of the unit(s).
9. The description of any ancillary facilities to the geothermal energy system.

An affidavit or similar evidence of agreement between the property owner and the geothermal energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a geothermal energy facility.

- a. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
- b. A site plan showing the planned location of each proposed geothermal energy facility, property lines, setback lines, access roads, wells, and the location of every ancillary structure, including equipment, cabling, buildings, structures, transmission lines, and substations.
- c. A view shed impact analysis, illustrating views of the proposed facility from multiple angles demonstrating that the facility blends into the surrounding scenery.
- d. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.

All geothermal energy facilities and any associated equipment shall comply with all areas,

dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping.

Secure perimeter fencing shall be installed around the geothermal energy facility. The fencing shall not be constructed within any required landscape buffer nor road right-of-way.

The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.

Geothermal energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.

E. Solar Energy System Facility – Permitted Accessory Use

Borough zoning approval is required for the construction of any ground mount solar energy facility that is an accessory use on any site or lot. The Zoning Permit Application shall indicate the location of the proposed facility, including the percentage of ground coverage.

The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.

Construction of any Solar Energy System Facility shall comply with all applicable rules, laws, and regulations of the United States Federal Aviation Administration and documentation of compliance shall be provided to the Borough. To the extent applicable, all Solar Energy System Facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.

All electrical components of Solar Energy System Facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

Solar energy facilities shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.

Borough zoning approval is not required for the construction of any roof top solar energy facility that is an accessory use on any structure on a site or lot. Where installed on the roof of a building, no solar panel shall be installed such that more than 75% of the roof area is covered by the panels. Solar panel shall be set back 3' from all edges of the roof.

Where solar roofing shingles are installed on the roof of a building the shingles shall be

installed such that 100% of the visible roof from the street shall be covered by the solar roofing shingles, whether active or not. Identical non-solar shingles must be used 3' from all edges of the roof and shall be utilized to cover visible roof not being used for solar energy.

Any Solar Energy System Facility installed on a sloped roof of a building shall comply with the height requirements of the zoning district in which the property is located and shall be no higher than thirty-six (36) inches from the roof to which it is mounted, measured perpendicular to the roof. For systems mounted on flat roofs, the height shall be no greater than six (6) feet from the roof, measured perpendicular to the roof. In all cases, the ability of the roof to support such a structure shall be verified by a registered professional engineer and provided with the building permit application.

No ground mount Solar Energy System Facility or Facilities may exceed in total 30% of the total site and in no case shall exceed the maximum lot coverage for the district in which the property is located.

To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.

All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

Solar energy facilities shall meet the accessory structure setbacks and other regulations that may apply in the zoning district in which the facility is constructed and where no such setback is specified, the facility shall be no closer than thirty-five feet (35') from any property line.

No facility shall be attached to a tree, or any other natural object or structure not intended to support such a facility.

No facility shall be installed closer than ten feet (10') to a swimming pool or other open body of water.

F. Solar Energy System Facility – Conditional Use as the Principal Use (i.e. Solar Farm)

The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.

Construction of any Solar Energy System Facility shall comply with all applicable rules, laws and regulations of the United States Federal Aviation Administration and documentation of compliance shall be provided to the Borough.

To the extent applicable, all solar energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.

All electrical components of solar energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

The property owner installing the solar energy facilities shall notify the local fire department and the Borough in writing about said installation and pass any information received from the fire department or the Borough to the installer in writing.

Solar energy facilities shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

Solar energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.

Minimum lot area: 2 Acres

The following project information shall be submitted to the Borough for every proposed solar energy facility:

- a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating cap, dimensions, and respective manufacturers, and description of any ancillary facilities to the solar energy system.
- b. An affidavit or similar evidence of agreement between the property owner and the Solar Energy System Facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a Solar Energy System Facility.
- c. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
- d. A site plan showing the planned location of each proposed Solar Energy System Facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
- e. A view shed impact analysis, illustrating views of the proposed facility from multiple angles demonstrating that the facility blends into the surrounding scenery.
- f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.

Solar Energy Facilities shall not exceed a maximum height of fifteen feet (15'), measured from the ground to the tallest point of the facility.

Preliminary and Final Land Development approvals are required for the construction of any Solar Energy System Facility when it is the principal use on a site or lot.

All solar energy facilities and any associated equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the Solar Energy System Facility, only where the required landscape buffer is adjacent to property where non-residential uses are permitted.

If the solar energy system remains unused for a period of twelve (12) consecutive months, the owner, operator, or property owner, shall at their expense, complete decommissioning of the system within six (6) months. The solar energy system will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twenty-four (24) months.

G. Wind Energy Facility – Conditional Use as Accessory Use Stand Alone Wind Turbine

Borough Zoning Approval is required prior to the construction of any wind energy facility on any site or lot. The Zoning Permit Application shall indicate the location of the proposed facility.

The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.

Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration and documentation of compliance shall be provided to the Borough.

Wind energy facilities shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.

All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.

Yard/Setback Requirements:

- a. Minimum lot area: See Article 3 Section 302 - 314
- b. From buildings: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part; except where the facility is mounted to a building, the setback shall not be required between the facility and the building to which it is attached or the principal structure setback for the district, whichever is greater.
- c. From property lines: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part or the principal structure setback for the district, whichever is greater.
- d. From public roads: 1.1 times the height of the wind energy facility at its tallest point, measured from the bottom of the facility base to the highest reach of any moveable or immobile part of the principal structure setback for the district, whichever is greater.
- e. Each vertically oriented wind energy facility mounted on a building shall be separated from any other wind energy facility by 1.1 times the height of the facility, measured from the point at which the facility is mounted to the building, or the highest reach of any moveable or immobile part of the facility.

Maximum height: Where the facility is an independent structure and not mounted to a building, 30 feet maximum height in Rural Residential; 40 feet maximum height in the Agricultural Conservation, Conservation, and Limited Business; and 60 feet in Industrial Districts, measured from ground level to the tip of the wind energy facility's blade fully extended perpendicular to the ground plane for horizontal shaft wind generators or to the top of the vertical shaft wind generator tower or pole. Where the facility is mounted to a building, the maximum height at the tallest point on the building shall be 30 feet high as measured from the ground.

Minimum vertical clearance between ground level and the lowest moveable component of the horizontal wind energy facility when at its lowest point: 15 feet; where the facility is mounted to a building, the minimum vertical clearance between the building and the lowest moveable component of the wind energy facility when at its lowest point: 5 feet. For a vertical shaft generator, the minimum clearance from ground level shall be 5 feet except where the movable part is enclosed in the support structure of the facility.

Ice throw from rotating wind turbine blades must be limited to within the subject property.

The color shall be neutral and non-reflective tone, as approved by the Borough. The facility coloring shall be a solid color and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than one (1) square foot in size. A view impact analysis shall be conducted, illustrating views of the proposed facility from multiple angles demonstrating that the facility blends into the surrounding scenery.

No more than two (2) wind turbines shall be permitted on any-one (1) property. Separation of the wind turbines shall be a minimum of 1.1 times the height of the tower or pole and consistent with the setback requirements of the Zoning District.

H. Wind Energy Facility – Conditional Use as the Principal Use Stand Alone Wind Turbine

The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, and screening of ground mounted electrical control equipment.

Construction of any wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration and documentation of compliance shall be provided to the Borough.

To the extent applicable, all wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.

All electrical components of wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

Wind energy facilities shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

Wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.

Yard/Setback Requirements:

- a. Minimum Lot Area: See Article 3 section 302 - 314
- b. Maximum Density 1 Facility / 1.0-mile radius
- c. All setbacks shall be measured from the center of any wind energy facility base to the nearest point of the foundation of a building or property line.
- d. From off Premises Buildings: 1.5 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.

From Property Lines: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.

From Public Roads: 1.1 times the height of the wind energy facility at its tallest point or the setback for the district in which the facility is located, whichever is greater.

The maximum height of any wind energy facility, measured from ground level to the tip of the blade fully extended perpendicular to the ground plane, shall not exceed the maximum height of any structure as defined in the Borough Zoning Ordinance for the applicable zoning district.

Any individual wind energy facility shall be separated from any other wind energy facility by a minimum of 1.1 times the height of the facility, measured from the tips of the blades when the blades are perpendicular with ground level.

No moving parts of the wind energy facility shall extend over parking areas, driveways, roads, sidewalks, or any other publicly accessible area, except access ways necessary to service the facility.

The facility coloring shall be solid neutral tones as approved by the Borough. Any alphabetical or numeric characters shall be representative of the facility manufacturer only and shall comprise no more than four square feet.

The following project information shall be submitted to the Borough for every proposed wind energy facility.

- a. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types, and heights of facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the wind energy system.
- b. An affidavit or similar evidence of agreement between the property owner and the wind energy facility owner or operator, demonstrating permission to apply for necessary permits for construction and operation of a wind energy facility.
- c. A site plan showing the planned location of each proposed wind energy facility, property lines, setback lines, access roads, and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
- e. A view shed impact analysis, illustrating views of the proposed facility from multiple angles demonstrating that the facility blends into the surrounding scenery.
- f. A design certification by a certified engineer, consisting of the proposed foundation design and analysis of soil conditions.

If the wind energy system remains unused for a period of twelve (12) consecutive months, the owner, operator, or property owner shall, at its expense, complete decommissioning of the system within six (6) months.

There shall be no components attached or integral to the facility that facilitates unauthorized access to the structure, such as ladders or steps.

All access doors to wind energy facilities and electrical equipment shall be located or fenced as appropriate, to prevent entry by unauthorized persons.

I. Small Wind Energy Facility – Conditional Use as Accessory Use Attached to a Building

Borough approval is required prior to the construction of any small wind energy facility on any site or lot.

The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's impacts will be minimized for surrounding properties and the community. This may include, but not be limited to information regarding site selection, facility design or appearance, buffering, noise and screening of ground mounted electrical control equipment.

Construction of any small wind energy facility shall comply with all rules, laws and regulations of the United States Federal Aviation Administration and documentation of compliance shall be provided to the Borough.

To the extent applicable, all small wind energy facilities shall comply with the Pennsylvania Uniform Construction Code and regulations promulgated by the Pennsylvania Department of Labor and Industry.

All electrical components of small wind energy facilities shall conform to relevant and applicable local, State and National Codes, and relevant and applicable international standards.

Small wind energy facilities shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

Small wind energy facilities shall not display advertising, except for reasonable identification nameplate of the facility manufacturer, not greater than 6" x 6" in size.

Yard and Setback Requirements

- a. See Article 3 section 302 – 314
- b. Such devices shall be set back a minimum distance of 1.1 times the total height of the device and all equipment mounted thereon from all adjacent property lines and from public or private street right-of-way lines. The total height shall include the height of any structure that a device is mounted on.

- c. Such devices shall be set back from any accessory structure(s) on the subject lot not less than 1.1 times the total height of the device. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the foundation of any accessory structure(s).
- d. Minimum vertical clearance between the building and the exposed lowest moveable component of the wind energy facility when at its lowest point: 5 feet.
- e. Small Wind Energy Facilities shall not exceed a maximum height of 40 feet measured from the ground to the tallest point on the facility.

Ice throw from small wind turbine blades must be limited to within the subject property.

The color shall be a neutral and non-reflective tone, such as white, off-white or gray. The facility coloring shall be solid and any alphabetical or numerical characters shall be representative of the facility manufacturer only and shall comprise no more than one (1) square foot in size.

No more than two (2) small wind turbines shall be permitted on any one (1) property. Separation of the wind turbines shall be a minimum of 1.1 times the height of the tower or pole and consistent with the setback requirements of the Zoning District.

J. Hybrid Energy Systems and Facilities (principal & accessory uses)

Hybrid energy systems and facilities shall meet the above requirements for the individual system or combination of systems. When there is a conflict the most restrictive regulation shall apply.

K. Hydrogen Energy Systems and Facilities– Conditional Use as the Principal Use

Hydrogen energy systems and facilities shall not be constructed within the 100 year floodplain. Hydrogen energy systems and facilities shall be required to be constructed and operated according to the currently adopted PA UCC Codes and shall comply with all Federal, State, and Local regulations. Hydrogen energy systems and facilities shall be constructed on not less than a two (2) acre lot within the Economic Development District (EDD).

Hydrogen energy systems and facilities shall be identified by their production processes to include but not be limited to:

- 1.) Blue Hydrogen – Is produced when natural gas is split into hydrogen and CO₂ either by Steam Methane Reforming (SMR) or Auto Thermal Reforming (ATR), but the CO₂ is captured and then stored through a process called Carbon Capture Usage and Storage (CCUS).
- 2.) Green Hydrogen – Is produced by splitting water by electrolysis. This process produces hydrogen and oxygen which the hydrogen is stored for off-site use and the

oxygen is vented into the atmosphere with no negative impact. The electrolysis uses renewable energy sources such as wind or solar.

- 3.) Grey Hydrogen – Is produced by a similar process to Blue Hydrogen using SMR or ATR to split natural gas into hydrogen and oxygen but the CO₂ is not captured and is released into the atmosphere.
- 4.) Yellow Hydrogen – Is produced by a similar process to Green Hydrogen using electrolysis, but using solar energy as its source of power.

Hydrogen energy systems and facilities shall meet the above requirements for the individual or combination of renewable energy power generation if being used as the power source. When there is a conflict the most restrictive regulation shall apply.

432 SCHOOLS

(added 09/13/2023 per Ordinance # 1249)

It is the purpose of this section to provide safe, effective, and efficient use of new or existing educational facilities within the Borough of Milton while protecting the health, safety and welfare of adjacent and surrounding land uses and properties.

A. Definitions:

Academic School –An educational institution that provides learning spaces and programs for the teaching of students under the direction and supervision of teachers, including pre-school through graduate school.

Alternative school – An elementary or secondary school with a nontraditional curriculum. Such schools offer a wide range of philosophies and teaching methods; some have strong political, scholarly, or philosophical orientations, while others are more *ad hoc* assemblies of teachers and students dissatisfied with some aspect of mainstream or traditional education. Some schools are based on pedagogical approaches differing from that of the mainstream pedagogy employed in a culture, while other schools are for gifted students, children with special needs, children who have fallen off the track educationally or been expelled from their base school, children who wish to explore an unstructured or less rigid system of learning, etc.

Professional school – Areas of learning and study based around certified and degree programs that help prepare individuals for specialized careers such as Engineering, Medical, Law, Social Work, Pharmacy, Dentistry, etc.

Business school - Areas of learning and study based around certified and degree programs that help prepare individuals for management, administration, and business careers such as business administration, analytics, strategy, sales, marketing, banking, economics, etc.

Technical school - Areas of learning and study based around applied sciences and modern technology careers such as graphic arts, agriculture, computers, data processing, drafting, design, etc.

Vocational school - Areas of learning and study based around proficiency in manual and specialized skills such as auto body, auto mechanic, masonry, carpentry, etc.

B. Conditional Use shall be as indicated in Article 3 Section 302 – 314 unless otherwise noted.

C. Structure location requirements shall be as indicated in Article 3 Section 302 – 314 unless otherwise noted.

D. The following is a list of questions pertaining to the Conditional Use request in addition to the standard Conditional Use questions as listed in Article 11 Section 1101A, B, C, and E, however, additional questions may be required to be answered as requested by the Milton Planning Commission, by the Milton Borough Council, and during the Conditional Use Hearing.

- 1.) Age range of students,
- 2.) Number of students attending,
- 3.) PA State Education requirements,
- 4.) Other agency requirements,
- 5.) Day and/or nighttime classes,
- 6.) Times of operation,
- 7.) Signage,
- 8.) Fencing,
- 9.) Security,
- 10.) Areas of recreation, sports, play,
- 11.) Number of staff,
- 12.) Parking (plus accessible),
- 13.) Traffic ingress, egress, flow,
- 14.) Transportation, Busing, drop off, pick up,
- 15.) Deliveries, shipping,
- 16.) Noise/Sound,
- 17.) Effect on the surrounding areas,
- 18.) Previous locations and dates of operation,
- 19.) Previous police & EMA responses and reasons,
- 20.) Emergency Response Plan

433 REHABILITATION FACILITIES

(added 05/22/2024 per Ordinance # 1254)

It is the purpose of this section to provide safe, effective, and efficient use of new or existing buildings, structures, or facilities within the Borough of Milton while protecting the health, safety and welfare of adjacent and surrounding land uses and properties.

A. Definitions:

Rehabilitation Facility – is a licensed establishment which is a combination of temporary housing, medically supervised subacute care, personal supportive services, and counseling for individuals of all ages with twenty-four (24) hour supervision whose primary purpose is the rehabilitation of persons for drug, alcohol, substance abuse or mental health issues. Such services may include *inter alia* medical care by physicians or physician or nurse assistants, skilled or unskilled nursing care, drug, alcohol, and substance abuse rehabilitation, physical therapy, occupational therapy, speech pathology services, counseling, assistance to emotionally and mentally disturbed persons and halfway housing for prison parolees and juveniles. This definition shall also include a “residential drug, alcohol and/or substance abuse treatment facility, and sober living housing.

B. Conditional Use shall be as indicated in Article 3 Section 310 and 311 unless otherwise noted.

C. Building, structure or facility location requirements shall be as indicated in Article 3 Section 310 and 311 unless otherwise noted.

D. The following is a list of questions pertaining to the Conditional Use request in addition to the standard Conditional Use questions as listed in Article 11 Section 1101A, B, C, and E, however additional questions may be required to be answered as requested by the Milton Planning Commission, by the Milton Borough Council, and during the Conditional Use Hearing.

- 1.) What is the age range of residents or clients being seen?
- 2.) Number of residents or clients being seen?
- 3.) Number of staff and their staff designation and certification?
- 4.) Who are the agencies that are responsible for the facility, staff, residents, and clients?
- 5.) Is there an MSDS of materials, drugs, etc. kept on site?
- 6.) What are the times of operations?
- 7.) Types of resident or client issues?
- 8.) What are the types of treatments?
- 9.) What signage is planned or required?
- 10.) What fencing is planned or required?
- 11.) What security is planned or required?
- 12.) What outdoor areas will be able to be accessed by the residents, clients, and for what uses?
- 13.) Please provide an Emergency Response Plan.
- 14.) Please provide an Emergency Operations Plan.
- 15.) Please provide a plan for all Traffic ingress, egress, and flow.
- 16.) Please provide a plan for all Transportation, Busing, drop off, and pick up areas.
- 17.) Please provide a plan for all Deliveries and shipping.
- 18.) What type of Noise/Sound will be generated?
- 19.) What are the potential effects on the surrounding areas?
- 20.) What were the previous locations and dates of operation?
- 21.) What were the previous police & EMA responses and reasons for being there?
- 22.) What is the proposed parking plan including accessible parking?

- 23.) Please provide a floorplan of the property including the basement.
- 24.) Please indicate how you plan to disclose to the Police, the State, Local, Federal, and other EMA agencies, and the public, on any resident's or client's criminal activities, assaults, sex offenses, Megan's Law offenses, and any other offenses or prosecutions?
- 25.) To what degree of risk are any of the residents or clients to the neighborhood and public?
- 26.) Do you treat specifically men, or women, or both?
- 27.) What is the time duration of the stay?
- 28.) Is the treatment one time or a series?
- 29.) Is the treatment inpatient or outpatient care?
- 30.) How do you know who is at the facility at any given time?
- 31.) Do you keep a daily log as to who is in the facility and when they leave such as staff, residents/patients, and visitors? Is this log available to Emergency responders?

434 SHELTERS (EMERGENCY or HOMELESS)

(added 05/22/2024 per Ordinance # 1254)

It is the purpose of this section to provide safe, effective, and efficient use of new or existing buildings, structures, or facilities within the Borough of Milton while protecting the health, safety and welfare of adjacent and surrounding land uses and properties.

A. Definitions:

Emergency Shelter – Temporary housing with minimal supportive services (food, clothing, etc.) for displaced people as a result of necessary evacuation of an area as declared due to an emergency situation or event. The temporary housing is limited to overnight stay or as long as deemed necessary by Federal, State, or Local EMA Agencies. No individual or household may be denied shelter because of an inability to pay for other temporary housing. Such a facility may have individual rooms but does not have individual dwelling units. (The Emergency Shelter Use shall be permitted to temporarily exist in any Zoning District, except the Open Space and Floodfringe and Floodway Overlay Districts, as directed by Federal, State, or Local EMA Agencies with the approval by the Borough Code Enforcement Officer and Borough Zoning Officer).

Homeless Shelter - Temporary housing with minimal supportive services (food, clothing, etc.) for homeless people. The temporary housing is limited to overnight stay or up to 2 weeks, which can be renewed as necessary by the Shelter Administration. No homeless individual or household may be denied shelter because of an inability to pay for housing elsewhere. Such a facility may have individual rooms but does not have individual dwelling units.

B. Conditional Use shall be as indicated in Article 3 Section 310 and 311 unless otherwise noted.

C. Building, structure or facility location requirements shall be as indicated in Article 3 Section 310 and 311 unless otherwise noted.

D. The following is a list of questions pertaining to the Conditional Use request in addition to the standard Conditional Use questions as listed in Article 11 Section 1101A, B, C, and E, however additional questions may be required to be answered as requested by the Milton Planning Commission, by the Milton Borough Council, and during the Conditional Use Hearing.

- 1.) What is the age range of occupants?
- 2.) What is the maximum occupancy of the shelter?
- 3.) Number of staff, their staff designation, and certification?
- 4.) Who are the agencies that are responsible for the shelter, staff, and occupants?
- 5.) Is there an MSDS of materials, etc. kept on site?
- 6.) What are the times of operations?
- 7.) What types of support do you supply such as food, clothing, etc.?
- 8.) Will you provide any treatments for individuals with drug, alcohol, or any other abuse?
- 9.) What signage is planned or required?
- 10.) What fencing is planned or required?
- 11.) What security is planned or required?
- 12.) What outdoor areas will be able to be accessed by the residents, clients, and for what uses?
- 13.) Please provide an Emergency Response Plan.
- 14.) Please provide an Emergency Operations Plan.
- 15.) Please provide a plan for all Traffic ingress, egress, and flow.
- 16.) Please provide a plan for all Transportation, Busing, drop off, and pick up areas.
- 17.) Please provide a plan for all Deliveries and shipping.
- 18.) What type of Noise/Sound will be generated?
- 19.) What are the potential effects on the surrounding areas?
- 20.) What were the previous locations and dates of operation?
- 21.) What were the previous police & EMA responses and reasons for being there?
- 22.) What is the proposed parking plan including accessible parking?
- 23.) Provide a floorplan of the property?
- 24.) Will background checks be done on each individual?
- 25.) Please indicate how you plan to disclose to the Police, the State, Local, Federal, and other EMA agencies, and the public, on any resident's or client's criminal activities, assaults, sex offenses, Megan's Law offenses, and any other offenses or prosecutions?
- 26.) To what degree of risk are any of the individuals to the neighborhood and public?
- 27.) Will you provide medical attention or have a doctor check out an individual?
- 28.) How do you know who is at the facility at any given time?
- 29.) Do you keep a daily log as to who is in the facility and when they leave such as staff, residents/patients, and visitors? Is this log available to Emergency responders?