

BUTLER TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE OF BUTLER TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 441, ADOPTED JANUARY 5, 1970 AND THE AMENDMENT TO THAT ORDINANCE, ORDINANCE NO. 830, ADOPTED ON OCTOBER 15, 2007 (ZONING) OF THE CODIFIED ORDINANCE OF BUTLER TOWNSHIP, AND ALL PREVIOUS AMENDMENTS THERETO, AND REPEALING ORDINANCE NO. 870, ADOPTED ON DECEMBER 17, 2012 (NATURAL GAS AND OIL EXTRACTION) OF THE CODIFIED ORDINANCE OF BUTLER TOWNSHIP.

WHEREAS, the provisions of this Ordinance, amending Ordinance #441 and #830, are designed to further promote, protect and facilitate: public health, safety, and general welfare; coordinated and practical community development; proper density of population and intensity of use; provision of adequate light and air; provisions for vehicle parking and loading space; the use of land and buildings; and other provisions as may be necessary to implement the purposes of the Municipal Zoning Ordinance; and

WHEREAS, the provisions of this Ordinance are designed to prevent overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life, and/or property from fire, flood, panic or other dangers; and

WHEREAS, the provisions of this Ordinance are designed to address planning issues identified in the Butler Area Multi-Municipal (BAMM) Plan completed in 2010; and

WHEREAS, the provisions of this Ordinance are designed to update the existing Zoning Ordinance to accommodate current changes in terminology, land uses, technology, and human activities.

BE IT HEREBY ORDAINED AND ENACTED that Chapter 300 of the Codified Ordinance of Butler Township be and is hereby amended as follows:

- A. Section 300-7 is deleted and replaced with the following language:

Oil and Gas Operations

300-7. A

Introduction: In order to implement Section 603 (i) of the Pennsylvania Municipalities Code, which requires provision for the reasonable development of minerals in each municipality, and recognizing that minerals are defined by the same code as including crude oil and natural gas, Butler Township has established the following as reasonable regulations upon Oil and Gas Operations. The Township recognizes that while Oil and Gas operations have industrial or quasi-industrial characteristics, this activity can only occur in reasonable proximity to where such mineral resources are located.

DEFINITIONS.

As used in this Section, the following terms shall be interpreted or defined as follows. Where there is a conflict between a definition in this section and definition contained in Section 300-9, the more specific definition of this Section shall apply:

Applicant: Any person, operator, partnership, company or corporation, including their subcontractors and agents, who has an interest in Oil and Gas Development in the Township.

Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Existing Building: An occupied structure with walls and a roof, within which individuals live or customarily work. This definition includes only structures which are occupied at the time of an application for oil and gas operations, but "occupied" shall include temporarily vacant structures that are for sale or lease.

Impoundment Area: An earthen depression, excavation, pit or facility situated in or upon the ground, used to store water or other fluids related to oil and gas operations.

Natural Gas Compressor Station: A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells, operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

Oil and Gas: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane, natural gas liquids and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through and below the surface of the earth.

Oil and Gas Development: The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration

for, production and transportation of oil and gas. This definition does not include Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions.

Oil or Gas Well Site: A site that consists of the area occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well.

Township: The Township of Butler, Butler County, Pennsylvania.

Unconventional formation: A geological shale formation, existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval, where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

Unconventional gas well: A bore hole drilled or being drilled for the purpose of, or to be used for, the production of natural gas from an unconventional formation. The term shall also include wells that utilize hydraulic fracture treatment through a single vertical well bore and produce natural gas in quantities greater than that of a stripper well.

**Oil and Gas Operations
TABLES**

Oil and Gas Operations are permitted in the Township only as consistent with the requirements of Table 300-7A.

Table 300-7A Use Requirements

USE	A-1 Agricultural District	R-2 Residential	M Manufacturing
Conventional Gas Well	Conditional Use	Conditional Use	Conditional Use
Unconventional Gas or Oil Well	Conditional Use	Conditional Use	Conditional Use
Natural Gas Compressor Station	Special Exception	Not Permitted	Special Exception
Natural Gas Processing Plant	Special Exception	Not Permitted	Special Exception

300-7B Dimensional Requirements

No Oil or Gas Development shall be permitted on a parcel of less than fifteen acres, except in the R-2 zoning district, where the minimum parcel shall be One Hundred (100) acres. All the additional dimensional requirements of Table 300-7B are also required where applicable.

Table 300-7B- Dimensional Requirements

USE	A-1 Agricultural District	M Manufacturing	R-2 Residential
Conventional Gas Well	Must be set back from all public Rights of Way and Property Lines by at least 100 Feet	Must be set back from all public Rights of Way and Property Lines by at least 100 Feet	Must be set back from all public Rights of Way and Property Lines by at least 250 Feet
Unconventional Gas or Oil Well	<p>Must be set back from all public Rights of Way and Property Lines by at least 300 Feet.</p> <p>Shall not encroach to within 750 feet of any R-1 District.</p> <p>Must be placed at least 500 feet from any existing building.</p>	<p>Must be set back from all public Rights of Way, and Property Lines by at least 300 Feet.</p> <p>Shall not encroach to within 750 feet of any R-1 District.</p> <p>Must be placed at least 500 feet from any existing building.</p>	<p>Must be set back from all public Rights of Way and Property Lines by at least 750 Feet.</p> <p>Shall not encroach to within 750 feet of any R-1 District.</p> <p>Must be placed at least 1,000 feet from any existing building.</p>
Natural Gas Processing Station	<p>Must be set back from all public Rights of Way and Property Lines by at least 500 Feet.</p> <p>No Natural Gas Processing Plant shall be located within two thousand (2,000) feet of the boundary of an R-1 or R-2 zoning district, or one thousand (1,000) feet of an occupied building on an adjoining parcel.</p>		
Natural Gas Compressor Station	<p>Must be set back from all public Rights of Way, and Property Lines by at least 500 Feet.</p> <p>No Natural Gas Compressor Station shall be located within One thousand (1,000) feet of the boundary of an R-1 or R-2 zoning district, or five hundred (500) feet of an occupied building on an adjoining parcel</p>		

300-7. C. PERMIT REQUIREMENT AND APPLICATION.

1. No Oil and Gas Development shall be undertaken in the Township unless the use has been approved as a Conditional Use. The application shall be submitted together with a fee established by resolution, and shall contain the following information:
 - a. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, the location of all structures and a description of equipment to be used, to the extent known.
 - b. A narrative describing the project as it relates to existing or anticipated Natural Gas Compressor Stations or Natural Gas Processing Plants.
 - c. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant to be provided to Emergency Responders.
 - d. Contact information of the individual or individuals responsible for the operation and activities at the Oil and Gas Development shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and all Emergency Responders.
 - e. A location map of the Oil and Gas Development showing the approximate location of drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets to be undisturbed.
 - f. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any equipment and structures and all permanent improvements to the site.
 - g. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the Oil and Gas Development.
 - h. Certification satisfactory to the Township that, prior to the commencement of Oil and Gas Development, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements, and shall have entered into a Township roadway maintenance and repair agreement, in a form acceptable to the

Township solicitor, regarding the maintenance and repair of affected Township streets.

- i. A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Township streets utilized by the Applicant shall remain free of dirt, mud and debris resulting from site development activities, and the Applicant's assurance that such streets will be promptly swept or cleaned of dirt, mud and debris occurring as a result of Applicant's usage.
 - j. Certification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Township and all Emergency Responders. The Applicant shall maintain at the well site and on file with the Township a current list and the Material Safety Data Sheets (MSDS) for all chemicals used in the Applicant's operations.
 - k. Certification that the Applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Township and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the Oil or Gas Well Site.
 - l. Assurance that, at least 30 days prior to drilling, the Applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be the sole responsibility of the Applicant. The Applicant shall not be required to hold more than one site orientation and training course annually under this section.
 - m. Copies of the documents submitted to the Department regarding environmental impacts of the project, or if no documents have been submitted to the Department, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts, as well as copies of all permits issued by appropriate regulatory agencies or authorities relating thereto.
 - n. Copies of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
2. Within 15 business days after receipt of an application and the required fee, the Township will determine whether the application is complete and shall advise the Applicant accordingly.

300-7. D. DESIGN AND INSTALLATION REQUIREMENTS.

Oil and Gas Development, where allowed as a use by Conditional Use, shall comply with the Township Zoning Ordinance and all pertinent provisions of the Code and Ordinances, including but not limited to the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as applicable, except as preempted by federal or state law. In addition, the following design and installation requirements must be adhered to:

1. No Oil or Gas Well Site shall have access solely through a local street unless no other access point is possible for the parcel in question. Whenever possible, access to the Oil or Gas Well Site should be from an arterial or collector street, as defined by the Township Comprehensive Plan, PennDot classification, or local road ordinance.
2. Permanent structures associated with Oil and Gas Development, both principal and accessory, shall comply with the height regulations for the zoning district in which the Development is located.
3. Height restrictions for a zoning district are not applicable for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well and in no case may it exceed six months.
4. The drilling pad for the Oil or Gas Well Site shall comply with all setback and buffer requirements of the zoning district in which the Oil or Gas Well Site is located.
5. Twenty-four (24) hour onsite supervision and security shall be provided by the Applicant during the Oil and Gas drilling and redrilling operations.
6. Upon completion of drilling or redrilling, security fencing consisting of a permanent chain link fence at least six feet in height, equipped with lockable gates at every access point and having openings no less than 12 feet wide, shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site.
7. Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site, providing notice of the potential dangers and the contact information in case of an emergency.
8. Emergency Responders shall be given means to access Oil or Gas Well Sites in case of emergency.
9. In the development of Oil or Gas Well Sites, the natural surroundings should be

considered and attempts made to preserve existing trees and other native vegetation.

10. Lighting at the Oil and Gas Well Development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings.

**300-7. E. USE REQUIREMENTS
FOR NATURAL GAS COMPRESSOR STATIONS AND
NATURAL GAS PROCESSING PLANTS.**

Where Natural Gas Compressor Stations and Natural Gas Processing Plants are permitted as a Special Exception, the following specific requirements apply, in addition to the requirements set forth in Sections 300-7C and 300-7D above.

1. The noise generated during the operations of the Natural Gas Compressor Station or the Natural Gas Processing Plant shall not exceed the performance standards for noise under Section 300-28 of this Ordinance.
2. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facility.
3. In the case of complaints received by the Township, they shall be addressed by the Applicant within 24 hours following receipt of notification. The Applicant shall continuously monitor its operations for a period of forty-eight hours at the complainant's property line. The Applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.
4. Lighting at a Natural Gas Compressor Station or a Natural Gas Processing Plant shall, when practicable, be limited to security lighting.
5. Heavy truck traffic accessing the site will be limited to the hours between 7:00 A.M. and 7:00 P.M, including weekends.

- B. Section 300-13 (I) is added with the following Language: Split Zoning Lots shall not be permitted to be created.
- C. 300-16-C(1) is amended to read as follows: Accessory Buildings larger than 600 square feet in combined gross floor area and private garages larger than 1,200 square feet in combined gross floor area. All other sections in this part should be renumbered accordingly
- D. Section 300-17-C (1) is amended to require that garages over 1,200 square ft require a special exception.
- E. Section 300-18 C (1) is amended to require that garages over 1,200 square ft require a special exception.
- F. Section 300-22-C (7)(a) is amended to change the max height permitted for Accessory Structures to be one story and no more than 15 ft.
- G. Section 300-22-C (7)(e) is amended to change the maximum square footage of 1,024 square feet to a maximum square footage of 1,200 square feet.
- H. Section 300-27-G (1) is amended to add the following sentence to the end of the existing paragraph: "Only one wall sign as defined shall be permitted on any side of a business."
- I. Section 300-27-G (5)(d) is amended to change the temporary event display from 40 square feet to 48 square feet.
- J. Section 300-28-H is replaced with the following language: Garbage and Trash Containers. All organic rubbish and discarded materials shall be placed in tight vermin-proof containers on the property and shall be secured in side or rear yards. Containers 2 yards or greater shall be screened from public view by means of a solid-face fence or wall. The existing sections (H & I) shall be relisted as (I &J) accordingly.
- K. Section 300-28-G(3) shall be added with the following language: With the exception of light-emitting diodes from electronic signs, all architectural landscape and canopy lighting shall be from a concealed source that is not visible from the property boundaries or public street right-of-way. Lighting associated with a freestanding or building canopy shall be recessed into the canopy.
- L. Section 300-22-C (7) is amended to add Section j, which shall read as follows: In the case of lots of less than one (1) acre in size, no accessory

structure shall be located nearer to a road right of way than any portion of the principle structure.

M. 300-32 shall be retitled as “Solar, Wind and Alternative Energy Systems.”

N. Section 300-32 B, shall be added to read:

B. Solar Energy Systems

(1) It is the purpose of this regulation to promote the safe, effective and efficient use of installed solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses, lots and parcels. This ordinance seeks to:

- a. Provide property owners and business owners/operators with flexibility in satisfying their on-site energy needs;
- b. Reduce overall energy demands within the community and to promote energy efficiency; and
- c. Integrate alternative energy systems seamlessly into the community’s neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

(2). Applicability

- a. This Ordinance applies to building-mounted and ground-mounted Solar Photovoltaic (PV) systems installed and constructed after the effective date of the Ordinance.
- b. Solar PV systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Ordinance.
- c. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of this Section.

(3) Permitted Zoning Districts

- a. Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this Article and as elsewhere specified in this Ordinance.

b. Building-integrated systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance.

(4) Locations within a Lot

Building-mounted systems are permitted to face any rear or side yard as defined by this Ordinance, but must meet setbacks for accessory buildings and structures. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.

(5) Design and Installation Standards

a. The solar PV system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.

b. All wiring must comply with applicable electrical codes and specifications.

c. The solar PV system must be constructed to comply with any applicable fire safety codes

(6) Setback Requirements - Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

(7) Height Restrictions

Notwithstanding the height limitations of the zoning district:

a. For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance measured perpendicular to the roof of eighteen (18) inches between the roof and the highest edge of the system.

b. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

c. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six (6) feet above the roof to which it is attached.

d. Ground-mounted systems may not exceed ten feet in height, measured from the tallest part of the structure when installed.

(8) Screening and Visibility

a. Building-mounted systems on a sloped roof shall not be required to be screened.

b. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty (50) foot radius of the property, at a level of five (5) feet from the ground in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a fifty (50) foot radius at a level of five (5) feet from the ground.

(9) Impervious Lot Coverage Restrictions.

The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above an existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

(10) Non-conformance

If a building-mounted system is to be installed on any building or structure that is non-conforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be granted a Special Exception so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.

(11) Vacation, Abandonment and/or Decommissioning

a. Discontinuation and/or abandonment is presumed when a solar PV system has been disconnected from the net metering grid for a period of six (6) continuous months without being connected to a battery system, or has not produced electricity for a period of six (6) months.

b. A solar PV system, including its solar PV related equipment, must be removed within twelve (12) months of the date of discontinuation and/or abandonment or upon termination of the useful life of the solar PV system.

c. For ground-mounted and building-mounted systems, removal includes removal of all structural and electrical parts of the ground or building-mounted system and any associated facilities or equipment and removal of all net metering equipment.

O. Section 300-32 is amended to replace existing Section A in its entirety, to read as follows:

A. Wind Energy Conversion Systems (WECS), are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this Article and as elsewhere specified in this Ordinance. Any WECS shall comply with the following criteria:

(1) In order to ensure safety to adjoining properties, all WECS shall require a zoning permit issued by the Zoning Officer after his review of proposed construction plans and operational data relative to the proposed WECS.

(2) The applicant shall submit the following information to secure a zoning permit:

a) Construction plans prepared by a registered engineer showing the location of the proposed tower and related equipment for the WECS, the type of materials used to construct the tower or pole on which the WECS will be mounted, and all manufacturer's data relative to the complete operational characteristics of the WECS, including but not limited to safety and performance standards and/or characteristics, noise characteristics, and supplemental information as requested by the Zoning Officer.

- b) A recorded plat demonstrating that the parcel on which a ground-mounted WECS is proposed is a minimum of one acre in area (43,560 square feet) and a minimum of 1/2 acre (21,780 square feet) for a WECS proposed to be mounted on an existing principal or accessory structure.
 - c) Dimensions to scale demonstrating that a WECS proposed to be mounted on an existing principal or accessory structure shall not exceed the maximum height, when combined, of a structure permitted in the zoning district.
- (3) All WECS towers, poles, or supporting structures shall be set back from all property lines a minimum distance of 1.25 times the total height of the tower or pole, and all equipment mounted thereon from all adjacent property lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.
 - (4) All WECS towers or poles shall be enclosed by a six-foot fence with a lockable entry. The climbing apparatus for the tower or pole shall stop 12 feet above the ground level.
 - (5) WECS operations shall not cause interference to television or radio reception on neighboring properties. The Township reserves the right to suspend and/or rescind the zoning permit if such interference becomes evident and is a nuisance to neighboring property owners.
 - (6) WECS operations shall not exceed the performance standards for noise under section 300-28 of this ordinance. The Township reserves the right to suspend and/or rescind the zoning permit if it is determined by the Zoning Officer the noise characteristics and/or levels generated by a particular WECS exceed the standard enumerated herein.
 - (7) WECS operations shall not constitute an undue safety hazard to neighboring properties due to repeated failure and/or breakage of the rotor blade(s). If, in the opinion of the Township Engineer, such a safety hazard and/or nuisance exists, the Township reserves the right to suspend and/or rescind the zoning permit until the safety hazard(s) have been corrected to the satisfaction of the Township Commissioners.

P. Section 300-22 L, shall be added to read as follows:

L. Accessory Telecommunications Antennae

1. Commercial Communications Antennae mounted on existing utility distribution and transmission poles, or traffic signals, with related unmanned equipment cabinet or structures, shall be permitted as an accessory structure and use in accordance with the following:
 - a. Permissible locations: Unless located upon a communications tower or conforming building under 1h of this Section, The structure proposed for a pole mounted accessory antenna shall be located within a public right of way or utility easement which is adjacent to a public right of way.
 - b. Such antennae may be mounted upon an essential communications tower of any height, an existing utility distribution pole of no greater than thirty five (35) feet in height, or a traffic signal pole.
 - c. The applicant shall show evidence of an agreement to mount the accessory antennae with the owner of the existing pole or device.
 - d. Omnidirectional/whip antennas not exceeding ten (10) feet in height and three (3) inches in diameter and panel antennas not exceeding six (6) feet in height or three (3) feet in width shall be permitted on a pole or standard located in any street right of-way or any utility easement as an accessory use.
 - e. There shall be a maximum of three (3) omnidirectional /whip antennas or four (4) panel antennas on any one structure, unless mounted on an essential or commercial communication tower or existing water tower.
 - f. Such accessory antennae shall be of a material or color which closely matches and blends with existing pole.
 - g. An equipment cabinet or structure not exceeding fifty (50) cubic feet in volume or eight (8) feet in height shall be located on or adjacent to the same pole or standard. Such cabinet shall be located so as not to obstruct any applicable site distance and/or visibility standards
 - h. If located outside a public right of way or utility easement, accessory antennae meeting the dimensional limitations of Sections 303-33D may be located upon any conforming nonresidential structure, provided that no protuberances would result in a violation of any side, front or rear yard setback requirement for the district.

- i. Antenna location: The developer shall not place accessory antennae upon any pole which lies in a space between two lines, measured from the corners of an occupied principal residential structure perpendicular to any public right of way on the same side of the street.

Q. Section 300-63 Applications for Conditional Use shall be replaced in its entirety with the following:

- A. Prior to making application for a zoning permit or occupancy permit for any use listed in any zoning district as a Conditional Use, the applicant shall submit an application for Conditional Use approval in accordance with the following procedures:
 - a. Applications for Conditional Uses shall be made to the Zoning Officer, and accompanied by a fee established by resolution.
 - b. Conditional Uses shall be granted or denied by the Township Commissioners after the recommendation of the Planning Commission.
 - c. Procedures shall follow those specified in this Ordinance and the standards established by the Pennsylvania Municipalities Planning Code.
- B. It shall be the responsibility of the applicant to illustrate compliance with all express standards for each Conditional Use to the satisfaction of the Township. In granting a Conditional Use, the Township Commissioners may also add reasonable additional conditions and safeguards beyond the specific criteria for each Conditional Use. The purpose of such additional conditions and safeguards is to further mitigate negative impacts of a development upon a specific site or neighborhood, and make the Conditional Use more compatible with the zoning district. Such reasonable additional conditions and safeguards may include, but are not limited to:
 - 1. Establishment of screening and buffering or an increase in screening and buffering normally required.
 - 2. Limitations upon hours of operation.
 - 3. Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
 - 4. Limits upon future subdivision of property to prevent the creation of a lot too small for the approved Conditional Use.

5. Changes in the proposed location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
6. The developer will be notified in writing of any such reasonable additional conditions and safeguards imposed by the Commissioners as part of an approval, and must agree or accept such conditions or safeguards.

C. Sketch Plan Requirements: As part of a Conditional Use application, the developer shall submit a sketch plan that generally identifies proposed areas for building, outdoor use (if applicable), or parking, or other development. This sketch plan need not include final dimensions and final designs of any public or private improvements, but shall focus upon the relationship of proposed buildings and structures to each other and the surrounding neighborhood. Nothing in this section alters the right of the Township to review and approve any subdivision and land development plan submitted after conditional use approval.

1. The plan shall illustrate any pedestrian and vehicular access proposed.
2. The developer shall submit a sketch landscaping plan that illustrates how landscaping will be used to buffer the proposed development from any abutting residential areas.
3. The Township Commissioners may increase standards for buffering and landscaping as a reasonable additional condition and safeguard.

D. If the applicant withdraws the proposal and resubmits it with changes, the time deadlines for review and approval shall commence with the resubmission. Having gained approval and accepted any conditions, the applicant may apply for a zoning permit or occupancy permit which shall be issued by the Zoning Officer or his authorized representative subject to compliance with all terms and conditions of the approval of the conditional use application.

R. Ordinance Number 870, Adopted by the Board of Commissioners of Butler Township 12-17-2012, is hereby REPEALED in its entirety as it is inconsistent with Section A of the within Ordinance, codified as Section 300-7 of the Butler Township Code.

S. If any section, subsection, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions; and each section, subsection, clause or phrase hereof would have been prepared, proposed, adopted,

approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

- T. All ordinances or parts of ordinances or regulations in conflict with these regulations or inconsistent with the provisions hereof, are hereby repealed to the extent necessary to give these regulations full force and effect.
- U. These regulations are necessary for the immediate preservation of the public health, safety, morals and general welfare and shall be effective immediately upon passage and publication.

Duly presented and adopted at a regular meeting of the Board of Commissioners of Butler Township, Butler County, Pennsylvania, held on the _____ day of _____, 2015.

ATTEST: BUTLER TWP. BOARD OF COMMISSIONERS

_____ by: _____
President

I, _____, Secretary of the Butler Township Board of Commissioners, Butler County, PA, do hereby certify the foregoing to be a true and correct copy of Ordinance No. _____, duly adopted at a Public Hearing in front of the Butler Township Board of Commissioners on _____, 2015.
