

SUMMARY OF
PROPOSED AMENDMENTS TO
ZONING ORDINANCE
OF
ALBANY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

PRESENTED AT A PUBLIC HEARING HELD ON JULY 21, 2011

REVISED OCTOBER, 2011

PRESENTED AT A PUBLIC HEARING HELD ON OCTOBER 18, 2012

FURTHER REVISED NOVEMBER, 2012

FURTHER REVISED MAY 27, 2016

Corrected September 22, 2016

TO BE PRESENTED AT A (RESCHEDULED) PUBLIC HEARING TO BE HELD ON OCTOBER 10, 2016

The current version of the Zoning Ordinance was adopted by the
Board of Supervisors on December 30, 2004

*Please note that the intention is to adopt an entire new ordinance booklet and zoning map.
The following ordinance changes, amendments, additions and tables are intended to be inserted
and included in the complete ordinance booklet with separate map.*

The italicized notes are informational instructions and comments only, and are not meant to be part of the ordinance amendment.

Revise the Zoning Map

To provide for the new Trexler Village Historic and the Recreation districts.

See the partial copy of the revised zoning map at the end of this summary that shows the TVH and REC District locations. On the website, the map is a separate file.

Revise the Zoning Ordinance as follows:

Revise/amend the definition Section 202:

1. Amend Crop Farming. - to specifically state mushroom growing as not included.
2. Amend Hospital. Revise definition to the following:
An institution, licensed in the Commonwealth of Pennsylvania, which provides both inpatient and outpatient diagnosis, treatment, surgery or other medical care, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions. A hospital use may also include attached and/or detached accessory uses on the same property. Hospital use does not include treatment center use, housing of criminally insane, nor housing of persons actively charged with serving a sentence after being convicted of a crime.
3. Add a new definition: Mushroom Growing. The composting, spawning, casing, pinning, and cropping of mushrooms on a commercial basis with a total growing area of greater than 2,000 square feet.
4. Add a new definition: Mushroom (Fresh) Substrate Preparation and/or sales. The agricultural activity involving the preparation, composting, and sale of fresh mushroom substrate, composted materials, including but not limited to, animal manure, hay, straw, corn cobs, gypsum and other organic material generally used in the preparation of fresh mushroom substrate as a growing medium or soil in which mushrooms are grown.
5. Add a new definition: Prison. A jail or other institutional facility used to confine violators of criminal laws. The use may also include correction institutions, detention centers, honor camps, houses of correction, jails, juvenile detention centers, penitentiaries, prison farms, reformatories, and/or training schools for delinquents, offenders and other adjudicated individuals.
6. Add a new definition: Solar Energy. Radiant energy (direct, diffuse, and/or reflected) received from the sun.
7. Add a new definition: Solar Energy System. A solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage, and

distribution of solar energy for the space heating or cooling, for water heating, or for electricity, that may be mounted on a building or on the ground.

8. Add a new definition: Solar Energy Facility. A large scale solar energy system, whose main purpose is to make and supply electricity, that consists of multiple solar collectors or other solar energy devices including all structures, buildings, substations, transmission lines and other appurtenant facilities. The term does not include a solar energy system constructed primarily for residential, farm or commercial use on the same site as the solar energy system.
9. Amend Treatment Center. Delete parenthetical statement (other than a prison or a permitted accessory use in a hospital).
10. Add a new definition: Wind Energy Facility. an electric generation facility, whose main purpose is to make and supply electricity, that consists of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include a stand alone wind turbine constructed primarily for residential, farm or commercial use on the same site as the wind turbine.
11. Add a new definition: Wind Turbine. a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower, foundations, and pad turbine, if any.

Amend Section 301 A and D to add the Trexler Village Historic and Recreation districts.

Add an overlay district for the Steep Slope and Hilltop Development section similar to the floodplain overlay.

Trexler Village and Recreation Districts:

Add to Section 301.A

TVH	Trexler Village Historic District
REC	Recreation District

Add to Section 301.D

8. TVH DISTRICT. To preserve the existing cultural and historic area surrounding the Village of Trexler, and to provide limited further residential development and "home town" small commercial enterprises.

9. REC DISTRICT. To continue and promote the recreational and community event use of the area surrounding and anchored by the Kempton Community Center.

Amend the Table of Permitted Uses in Section 306 and the Table of Lot and Setback Requirements in Section 307 to include the Trexler Village and Recreation district requirements.

Replace the Table of Permitted Uses by District in Section 306 in its entirety to include columns for the TVH and REC districts. The amended table also corrects typographical ambiguities in column and row alignments.

The Table of Permitted Uses was also amended for the Hospital, Prison, and Treatment Center uses as follows:

for Hospital, change to N in VC, C in C/LI.

for Prison, N in AG, C in AG/L, N in all other districts.

for Treatment Center, N in AG, C in AG/L, N in all other districts.

Replace the Table of Lot and Setback Requirements by District in Section 307.B in its entirety to include the TVH and REC districts. The list of possibly more restrictive sections is amended to include Sections 308.F, 310, 311, 402, 403, 505, 507, and to eliminate the larger lot requirement in areas of steeper slopes. The minimum rear yard setback requirement for accessory structures in the Woodland Conservation District is amended to 30 feet.

Add to 308.E.10 The Board of Supervisors may require that the trees to be cut or those to be preserved shall be appropriately marked in the field and observed by representatives from the township prior to and again after the tree clearing to confirm compliance with this section.

Add a new Section 311 to provide the development details permitted in the Trexler Village Historic district.

311. SPECIAL DEVELOPMENT CONTROLS TO ENHANCE AND PRESERVE THE HISTORIC AND CULTURAL RESOURCES IN THE TREXLER VILLAGE HISTORIC (TVH) ZONING DISTRICT.

Objective: This district is intended to preserve the existing cultural and historic area surrounding the Village of Trexler, not only including the historic buildings and structures such as the houses and stone arch bridge, but also the cultural influences of the Maiden Creek and the WK&S Railroad. The Albany Historical Society is also housed in the former potato cutting building. It is proposed to only allow limited further development in the district with limited residential development and “home town” small commercial enterprises typically found in a self sufficient small settlement of days gone by.

311.A. Building requirements/limitations. The encouragements of Section 308.H shall be considered as mandatory requirements, and shall apply to all structures, including

residential, agricultural, and commercial. No metal sided “pole building”, commercial steel, hoop, or similar style of building typically used for agricultural and commercial purposes will be permitted. All proposed buildings shall be of styles, colors, materials, roof pitches, and window treatments that will be architecturally similar, consistent with, and complement the historical structures existing within the district. The Township may specify, or require approval of, certain architectural styles and standards.

311.B. Structures to remain. Existing buildings, structures, and cultural features (stone walls, majestic trees, etc.) cannot be removed, razed, altered or remodeled without township approval. The goal is to preserve and incorporate the existing historical features into any proposed development or changes desired.

311.C. Size, space and extent or use limitations. The limitations (L) listed as a footnote to the Trexler Village District column in the Section 306 Table of Uses are as follows:
The maximum size of building and/or space devoted to the use specified with limitations shall be 2,500 square feet. This includes both inside and outside space devoted to the particular use. The outside space includes those areas for raw material, production, and finish products. This does not include driveways, parking areas, or outside landscaped and screened patron gathering and seating areas. Regular truck and equipment parking of over 35,000 G.V.W. is limited to two vehicles maximum. No refrigerated trucks or other vehicles with continuously running main or auxiliary engines or motors of any number or size shall be permitted. Those uses requiring a conditional use decision by the Supervisors may also require additional conditions such as limitation on hours of operations, further or different limits on size and space allocations, architectural building requirements, landscaping requirements, maximum noise levels, additional setbacks, and other requirements in harmony with the preservation goals and intent of the district.

311.D. Lot and Setback Requirements. The maximum number of permitted lots, the average lot width requirement, the lot area, width and setback requirements, the procedural requirements, and the definition of terms, shall be the same as listed in Section 310 subsections A through E, except for:

Maximum permitted impervious coverage shall be 35%.

This Trexler Village District was formerly part of the Agricultural (AG) District. Thus, the maximum number of lots permitted (the quota) shall continue to be determined from an original tract as of January 4, 2005.

311.E. Exemptions. The requirements of Sections 311.A through 311.D above do not apply to public utilities per Section 114, and to the Municipality as a further exemption to Section 115.

Steep Slopes and Hilltop Development:

Revise Section 301. C in its entirety to read:

- C. Overlay Districts. The Steep Slopes and the Landform Elevation Zones in Section 505 of this ordinance, and the Flood-Prone Areas in Section 513 of this ordinance, shall serve as overlay areas to all of the underlying districts.

Revise the title of Section 505 to STEEP SLOPES and LANDFORM ELEVATION ZONE DEVELOPMENT.

Revise 505.B.1 to read: ...show detailed slope contours, both existing and proposed, for all...

Revise 505.B.8 to read: show and include the existing topography a minimum of 50 feet beyond or outside the limit of grading disturbance and/or construction. Additional topographic information may be required to determine drainage, erosion controls, slope stability or other concerns.

Revise Section 505.C to delete subsections 1 and 2, (the 10 acre minimum and 5% maximum impervious coverage requirements), and replace with:

1. Prepare and submit the site plan per Section 505.B.
2. Submit a letter of adequacy from the Berks County Conservation District for the erosion and sedimentation controls used during construction.
3. Submit and gain approval of a review of farm and natural features impacts pursuant to Section 308, with the special requirement that Section 308 is applicable to all zoning districts when this Steep Slope section is also applicable.

Revise Section 505.D to: Greater than 25% in the WC zoning district – If a proposed principal building, accessory structure, and/or driveway.....(add accessory structure and retain the rest of the existing 505.D language.)

Add a new sub paragraph to 505.D: Greater than 25% in all other zoning districts – If a proposed principal building, accessory structure, and/or driveway and the grading and/or incidental construction thereto includes more than 1,000 square feet with slopes greater than 25%, then the Zoning Officer shall not permit the construction of such improvements unless the owner/applicant/developer has been granted a conditional use pursuant to all provisions of Section 117. In addition to the procedural requirements of Section 117.B and the standards of Section 117.C, the following conditions may also be applicable based on the merits and circumstance of each specific site and proposed construction:

1. That the provisions of Section 308.H are considered as mandatory, instead of recommended.
2. Retaining walls may be required to reduce the amount of slope disturbed, either or both as incorporated into the foundation and/or the building wall design.
3. Retaining walls or steep side slopes (such as 1½:1) may be required on the driveway and yard grading to minimize the impact on clearing and grading.

4. Special storm water features may be required, such as cisterns, rain gardens, underground detention, and infiltration. Special provisions for the control and management of groundwater may be required.
5. Recommend locations, or prohibited locations, for principle and accessory structures, and/or other uses of the land.
6. Consider any special needs and options for large agricultural structures, barns, sheds, bins, and manure facilities.
7. Require parts or the entire driveway to be paved.
8. Require that tree clearing for the house, garage, driveway turnaround, and yards be kept to a minimum. This includes any area required for utilities, storm water, and stormwater or sediment basins, whether temporary or permanent.
The above tree clearing limits do not apply to the minimum area required for a septic disposal system. However, the choice of system should be made towards reducing or eliminating the need for tree removal. Tree removal requirements are based on the same definition used in Section 514, i.e., trees of 6" or more in diameter.
9. May require buffering with new trees and shrubs; that may require the specific number, type, caliper and height. May require the planting of new trees as replacements for trees removed for clearing.
10. Require special lighting limitations and requirements in addition to or supplementing the requirements of Section 511.

Add a new Section 505.I Landform Elevation Zones. The elevation zone is site specific and relates to the elevation difference between the main stem of the closest named stream and the location of the proposed building construction or use activity as shown on the 7.5 minute USGS quadrangle maps. The named streams in Albany Township are the Maiden Creek, Ontelaunee Creek, Pine Creek, Stony Run, and Kistler Creek. The controlling stream is determined by the shortest horizontal distance between a named stream and the site of activity. The elevations differences are determined by interpretation of the 20 foot contour intervals shown on the USGS maps. Any uncertainty in determination of the activity's elevation zone will be resolved and established by the Township Supervisors.

The restrictions shall apply all buildings and structures both principal and accessory, and to all uses except crop farming, animal grazing, horticulture or forestry. The requirements of this section are applicable as an overlay district in addition to all other applicable sections, including steep slopes.

1. Landform Elevation Zones. Are defined as:

Landform Elevation Zone 1 - Less than 100 feet of elevation difference.

Landform Elevation Zone 2 - Between 100 feet and 250 feet of elevation difference.

Landform Elevation Zone 3 - Greater than 250 feet of elevation difference.

2. Landform Elevation Zone requirements.

Landform Elevation Zone 1 -- No special requirements pursuant to this Section 505.I.

Landform Elevation Zone 2 -- The rural character encouragements of Section 308.H shall be enforced as mandatory for all new buildings, both principal and accessory including agricultural structures, and is applicable to all zoning districts.

Landform Elevation Zone 3 -- Subject to a conditional use pursuant to all provisions of Section 117. In addition to the procedural requirements of Section 117.B and the standards of Section 117.C, the following conditions may also be applicable based on the merits, circumstances, and topographic setting of each specific site and proposed construction.

- a) All the same as listed in Section 505.D.
- b) Require that existing vegetation on the same property shall be retained and nourished on nearby higher ground to retain an effective backdrop against the horizon and open sky.
- c) Require that the siting of the structure(s) is designed to minimize visual prominence from the perspective of public roads and the scenic overlooks.
- d) Avoid significant alteration of natural grades.

Special use restrictions in Landform Elevation Zone 3: Cell phone towers are prohibited. Wind turbines, and non-agricultural buildings with a footprints of 4,000 square feet or greater, are a conditional use. An agricultural building is hereby defined as a building housing farming equipment, livestock or other materials in direct support of active agricultural operations.

Lighting:

Revise the first sentence of Section 511.B to read Glare. All outdoor lighting exceeding a light output of 870 lumens (or 60 watt incandescent light bulb) shall be down facing and a fully shielded (full cutoff) luminaire, and.....

Add to last sentence of Section 511.E, or the International Dark-Sky Association (IDA). Outdoor lighting fixtures should carry the IDA fixture seal of approval.

Hospitals:

Add to Section 402:

17.5 Hospital.

- a. Minimum lot area shall be 5 acres.
- b. Require lot frontage and access onto an arterial or collector road (state highway).
- c. Provide suitable driveways and parking areas for staff, emergency vehicles, patients, visitors, and deliveries.

- d. Emergency entrances shall be located on the building wall facing away from adjoining existing residential uses or residentially zoned properties, or separated by at least 300 feet from the residentially zoned properties or existing residences.
- e. Avoid unnecessary noise conflicts with emergency sirens, especially in the vicinity of residences.
- f. Principal use buildings shall be set back a minimum of 100 feet from street right-of-way lines and property lines.
- g. Adequate water and sewage disposal shall be provided.
- h. Adequate provisions for the collection, disposal or recycling of garbage, trash, medical and hazardous waste shall be provided.
- i. Adequate and suitable buffering, landscaping and lighting shall be provided.
- j. If required by the Township Planning Commission and/or the Board of Supervisors, a traffic impact study showing the effect of the proposed development on surrounding roads and intersections of concern to the municipality shall be prepared by the developer.

Mushroom Growing:

Add to Section 402:

27.5 Mushroom Growing.

- a. Minimum lot area - 50 acres.
- b. Minimum lot width - 500 feet.
- c. Any and all areas used for storage, loading, processing or growing of mushrooms whether enclosed in buildings or outdoors, shall be setback a minimum of 500 feet from all property lines and street right-of-way lines or a minimum of 1,000 feet from a residence on another property, whichever is the more restrictive.
- d. The total area of all buildings in the mushroom growing operations shall not exceed 10% of the lot area. The total area of all facilities (indoor and outdoor), including storage, growing, processing, and administration shall not exceed 20% of the lot area.
- e. All production, and storage facilities shall be located at least 100 feet from all streams or surface water.

- f. The raising of mushrooms shall comply with the Pennsylvania Department of Environmental Protection publication entitled “Best Practices for Environmental Protection in the Mushroom Farm Community”, latest edition.
- g. A land development plan shall be required.

Add to Section 402:

27.6 Mushroom (Fresh) Substrate Preparation and/or Sales.

- a. Minimum lot area - 50 acres.
- b. Minimum lot width - 500 feet.
- c. Any and all areas used for storage, composting, loading, and processing of the material whether enclosed in buildings or outdoors, shall be setback a minimum of 500 feet from all property lines and street right-of-way lines or a minimum of 1,000 feet from a residence on another property, whichever is the more restrictive.
- d. The total area of all facilities (indoor and outdoor), including composting, storage, processing, and administration shall not exceed 20% of the lot area.
- e. All composting, processing, and storage facilities shall be located at least 100 feet from all streams or surface water.
- f. The preparation, storage of materials, and composting shall comply with the Pennsylvania Department of Environmental Protection publication entitled “Best Practices for Environmental Protection in the Mushroom Farm Community”, latest edition.
- g. All loading of compost for delivery shall occur on a concrete or other impermeable pad. All trucks hauling fresh materials or finished compost for delivery shall be covered with a tarp.
- h. Stormwater runoff shall be managed consistent with an approved plan by the Conservation District and the Township.
- i. A land development plan shall be required.

Prisons:

Add to Section 402:

31.5 Prison.

- a. Minimum lot area shall be 10 acres.

- b. Buildings shall be set back a minimum of 200 feet from street right-of-way lines and property lines. All buildings shall be set back a minimum of 1,500 feet from existing residences, schools, licensed day care, or place of worship.
- c. A minimum 50 foot wide buffer yard shall be provided and landscaped with suitable screening vegetation, trees, berms, or as approved by the municipality.
- d. Adequate water and sewage disposal shall be provided.
- e. Adequate provisions for the collection, disposal or recycling of garbage, trash, and/or hazardous waste shall be provided.
- f. Adequate and suitable buffering, landscaping and lighting shall be provided. The dark sky requirements of the lighting section should be followed.
- g. The use shall not significantly impact the any adjacent bordering residential use.
- h. The applicant shall furnish the municipality with copies of all applicable and current licenses, permits, and operating certificates.
- i. An emergency management and action plan shall be prepared for the facility that covers all emergency events without limitations including fire, flooding, earthquakes, utility outages, explosions, snow and ice, civil disturbance, and prison breaks/escapes as a minimum.
- j. The township may require the installation and implementation of certain additional security and monitoring provisions as it may deem appropriate for the safety of the community and surrounding property owners and residents.
- k. A site plan or land development plan shall be submitted that is accurately drawn to scale and shall show all appropriate topography, building and facility locations, dimensions, number of floors, security posts, the general architectural features of all buildings, entrances, driveways, parking areas, fences, gates, landscaping, recreation and work areas, water, sewage and stormwater facilities, buffering, and any other detail required by the municipality.

Solar Energy:

Add to Section 402:

38.5. Solar Energy Facilities:

- a. Solar energy facilities are only permitted in the Agricultural AG and Agricultural/Landfill AG/L Districts as a conditional use in Landform Elevation Zone 3.
- b. Land development plan is required.

- c. An affidavit or similar document is required stating relationship and permission of the developer and owner of the facility to the property owner, who is responsible for permits, maintenance and decommission and removal of the facility.
- d. Principle use setbacks shall apply to all solar collectors, buildings, structures and substations. Any structure shall be setback a minimum of 1.5 times the structure height to all property lines and street right-of-way lines.
- e. All electrical components shall conform to relevant and applicable local, state and national codes and standards.
- f. Buffering and landscaping is required. Additional landscaping on and/or off-site may be required to mitigate glare.
- g. The facilities shall not be artificially lighted.
- h. The facility shall not display advertising except for a reasonable small identification of the manufacturer and facility owner/operator.
- i. On-site transmission and power lines shall be underground to the maximum extent possible.
- j. Suitable warnings and security measures shall be employed to prevent accidents and access or entry by unauthorized persons.
- k. All damage to public roads resulting from construction and maintenance of the facility shall be the responsibility of the facility owner to repair to the satisfaction of the Township. Bonding of the road may be required in compliance with state regulations.
- l. Liability insurance is required with certificates available to the Township.
- m. The facility owner and operator shall, at their expense, completely decommission and remove all solar energy facilities or individual collectors within 12 months after the end of their useful life or if no electricity has been generated for a continuous period of 12 months, or as agreed to by the Township Supervisors. The facility owner and/or operator shall post and maintain decommissioning funds in the amount of no less than 25% of the total decommissioning costs as determined by a professional engineer in a form and from a bonding or lending institution acceptable to the Township prior to construction.
- n. Other conditions as may be applicable to the particular site and circumstances of the facility as determined by the Township.
- o. Any other conditions applicable to the site, location, existing conditions, or as applicable from other sections of the ordinance.

38.6. Solar Energy System.

- a. An individual system on a site to supply/supplement electrical energy and/or heating and cooling for use on the same site as the solar energy system in all zoning districts is permitted as a use by right.
- b. Any building mounted equipment shall complement and harmonize with the building architecture in design, location and color as much as practicable.
- c. Ground mounted equipment shall meet the setback requirements for accessory structures. The preferred location is behind the front plane of the dwelling or principle structure. If located in front of the dwelling or principle structure and if visible from the road, it shall be buffered and screened with suitable landscaping.
- d. All exterior equipment shall be dismantled and removed when no longer being used.
- e. Any other conditions applicable to the site, location, existing conditions, or as applicable from other sections of the ordinance.

Treatment Centers:

Add to Section 402 44. Treatment Center.

- d. All treatment centers shall be licensed by the appropriate local and state regulatory agencies prior to occupancy and at all times thereafter. Copies of all current licenses shall be filed with the Township Zoning Officer.
- e. A site plan or land development plan shall be submitted that is accurately drawn to scale and shall show the location, dimensions, number of floors and general architectural features of all buildings, entrances, driveways, parking areas, fences, gates, landscaping, water, sewage and stormwater facilities, buffering and landscaping, and any other detail required by the Board of Supervisors.
- f. The treatment center shall provide adequate loading and unloading areas for emergency response vehicles, buses, and other vehicles servicing the center, and in addition provide adequate fire lanes for emergencies.
- g. No treatment center shall be located within 1,000 feet of another treatment center, church, day care facility, school, or playground.
- h. The treatment center shall serve a maximum of 20 resident patients/clients.
- i. There shall be a minimum of 50 square feet of floor space and 400 cubic feet of air space per each patient/client sleeping area, exclusive of office space, sanitary facilities, storage space, and other auxiliary rooms.

- j. There shall be no more than one kitchen or cooking facility in the center. There shall be no separate cooking facilities within the individual patient/client rooms.
- k. An emergency management plan shall be prepared for the treatment center that covers all emergency events including fire, flooding, earthquake, utility outage, explosions, snow and ice, and civil disturbance as a minimum. The emergency management plan shall be submitted to the Township and all applicable State and local emergency responders.
- l. The Township may require the installation and implementation of certain security provisions as it may deem appropriate for the safety of the surrounding and nearby property owners and residents.
- m. A use permit shall be obtained from the municipality on a yearly basis after review by the Board of Supervisors of the current licenses, registrations, and an operational review of the facility.

Windmills:

Add to Section 402:

47. Windmill.

- a. A single wind turbine may be constructed on a site to supply/supplement electrical energy for use on the same site as the turbine in all zoning districts as a conditional use.
- b. The tower shall be setback a minimum of 1.5 times the overall height (including tower and rotor) to all property lines and street right-of-way lines, or 2.0 times the overall height (including tower and rotor) to a residence on any other property, whichever is the more restrictive.
- c. Maximum height of tower shall be 90 feet including the tower and rotor.
- d. All materials used shall have a dull finish so as to not produce any glare or adverse reflective light.
- e. All towers, rotors, and equipment shall be dismantled and removed when no longer being used.
- f. The applicant shall furnish the manufacturers listing of the wind turbine's noise levels in decibels. Mitigation of noise (or choice of different equipment) may be required.
- g. Any other conditions applicable to the site, location, existing conditions, or as applicable from other sections of the ordinance.

48. Wind Energy Facilities:

- a. Wind energy facilities are prohibited in the Woodland Conservation WC District because of the presence of the Hawk Mountain Sanctuary, the Pinnacle, and the Appalachian and Pinnacle trails. They are only permitted in the Agricultural AG and Agricultural/Landfill AG/L Districts as a conditional use.

- b. Land development plan is required.
- c. An affidavit or similar document is required stating relationship and permission of the developer and owner of the facility to the property owner, who is responsible for permits, maintenance and decommission and removal of the facility.
- d. Principle use setbacks shall apply to all towers and substations. All towers shall be setback a minimum of 1.5 times the overall height (including tower and rotor) to all property lines and street right-of-way lines, or 2.0 times the overall height (including tower and rotor) to a residence on any other property, whichever is the more restrictive.
- e. The tower height to rotor diameter shall not exceed a ratio of 1.5.
- f. All wind turbines shall be equipped with redundant braking systems, including both aerodynamic overspeed controls and mechanical brakes operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- g. All electrical components shall conform to relevant and applicable local, state and national codes and standards.
- h. All materials used shall have a dull finish so as to not produce any glare or adverse reflective light.
- i. The facilities shall not be artificially lighted except as may be required by the FAA.
- j. The facility shall not display advertising except for a reasonable small identification of the manufacturer and facility owner/operator.
- k. On-site transmission and power lines shall be underground to the maximum extent possible.
- l. Suitable warnings and security measures shall be employed to prevent accidents and access or entry by unauthorized persons.
- m. All damage to public roads resulting from construction and maintenance of the facility shall be the responsibility of the facility owner to repair to the satisfaction of the Township. Bonding of the road may be required in compliance with state regulations.
- n. Audible sound produced by the wind energy facility shall not exceed 55 dbA measured at the facility property line, or public street right-of-way line within the property, or any permissible Albany Township noise levels.
- o. Reasonable effort shall be investigated and made to avoid disruption or loss of radio, telephone, television or similar signals. Mitigation with effected parties may be included.
- p. Liability insurance is required with certificates available to the Township.

- q. The facility owner and operator shall, at their expense, completely decommission and remove all wind energy facilities or individual turbines within 12 months after the end of their useful life or if no electricity has been generated for a continuous period of 12 months, or as agreed to by the Township Supervisors. The facility owner and/or operator shall post and maintain decommissioning funds in the amount of no less than 25% of the total decommissioning costs as determined by a professional engineer in a form and from a bonding or lending institution acceptable to the Township.
- r. Other conditions as may be applicable to the particular site and circumstances of the facility as determined by the Township.
- s. Any other conditions applicable to the site, location, existing conditions, or as applicable from other sections of the ordinance.

Miscellaneous:

Revise the Table of Contents to:

- Add 311. SPECIAL DEVELOPMENT CONTROLS TO ENHANCE AND PRESERVE THE HISTORIC AND CULTURAL RESOURCES IN THE TREXLER VILLAGE HISTORIC (TVH) ZONING DISTRICT.

Add a subsection to Section 304 District Boundaries.

- E. Certain sections of this Ordinance permit the allowable number of lots that can be created, uses, or density of uses based on the total acreage of the tract. Only that area of the tract that is within the applicable zoning district(s) and within the municipal boundary of Albany Township shall be used to compute such allowable number of lots, density or uses, unless otherwise permitted by the Board of Supervisors.

Revise 505 to read 505. STEEP SLOPES and LANDFORM ELEVATION ZONE DEVELOPMENT

Add to Section to 514 Tree Preservation, Forestry

Add new section:

514.H Tree Marking. The Board of Supervisors may require that the trees to be cut or those to be preserved shall be appropriately marked or tagged in the field and observed by representatives from the township prior to and again after the tree clearing to confirm compliance with this section.

Revise Section 802 to remove windmills from the height exceptions.