

ARTICLE 5 – SUPPLEMENTARY REGULATIONS

501 Non-conforming Uses:

The following provisions shall apply to all non-conforming uses and structures:

- 501.1** Any non-conforming use of land or structure legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance is a legal non-conforming use. Such use may be continued, but may not be extended, expanded or changed unless to a conforming use, except in accordance with the provisions of this Ordinance and providing the addition meets setback requirements.
- 501.2** Any structure designed or converted for a non-conforming use damaged by fire, flood, explosion or other such casualty may be reconstructed as before, if such reconstruction is performed within 12 (twelve) months of such casualty and if the restored structure covers no greater area and contains no greater cubic content than before such casualty.
- 501.3** The non-conforming use of a building may be extended throughout those parts hereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A non-conforming building or structure may be extended or enlarged to a maximum of 25% of the structure's dimensions at the time of enactment of this Ordinance, but must meet minimum lot and yard requirements of the district in which the structure is located and must meet the off-street parking and loading requirements of this Ordinance.
- 501.4** A non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.
- 501.5** A structure that has been razed shall not be reconstructed for a use that does not conform to the provisions of this Ordinance.
- 501.6** Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- 501.7** Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.
- 501.8** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this article shall also apply to any uses, which thereby become non-conforming.
- 501.9** If any non-conforming use of land ceases for a continuous period exceeding one (1) year, any subsequent use of the land shall be in conformity to the regulations specified by this Ordinance for the district in which said land is located.

502 Existing Lots Of Record:

Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth

hereafter. Where two or more adjacent lots of record with less than the required area and width are held by one owner on the date of enactment of this Ordinance, the request for a permit shall be referred to the Zoning Hearing Board, which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.

503 Application of Yard Regulations:

- 503.1** Lots, which abut on more than one street shall provide the required front yards along every street.
- 503.2** All structures, whether attached to the principal structure or not and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yard.
- 503.3** A wall or fence under six (6) feet in height, or higher if a retaining wall, and paved terraces without walls, roofs or other enclosure, may be erected within the limits of any yard.
- 503.4** Non-residential buildings hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the residential districts, than the distance specified in the chart of setbacks, except that off-street parking spaces and access drives for non-residential uses shall not be located within 20 (twenty) feet of the side or rear lot lines.
- 503.5** Exceptions to Yard Requirements: The following may project into required yards without permit:
 - (a)** Steps or stoops not exceeding twenty-four (24) square feet in area;
 - (b)** Eaves, cornices and belt corners not exceeding two feet;
 - (c)** Open fire escapes not exceeding four feet, six inches.
 - (d)** One portable building not exceeding 120 square feet used for storage may
be located within rear and side yards provided the building is located no closer to the side and rear lot lines that its total height.

504 Permanent Foundations Temporary Structures:

- 504.1** All dwelling units, including mobile homes, constructed on private lots in accordance with Section 507 of this Zoning Ordinance, or any additions of heated living space, shall be constructed upon a permanent foundation as defined in this Zoning Ordinance. A permanent foundation shall consist of a full perimeter masonry or poured concrete footer; and/or a pole type construction so long as the pole shall be an integral part of the building extending from the ground to ceiling of the first story and the pole shall consist of treated lumber; and/ or poured concrete pads or pilasters for support under the main frame of mobile homes sited on private lots.

- 504.2** Temporary structures, residential and non-residential, whether anchored or on skids, wheels or movable platforms, used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for temporary residential structures may be issued by the zoning officer for a one- (1) year period. Any extension thereof shall, at the option of the Zoning Officer, be referred to the Zoning Hearing Board.
- (a) Mobile Homes having a habitable floor area under eight hundred (800) square feet will be considered temporary single family dwellings when used as housing during construction of an approved single family dwelling.
 - (b) The Zoning Officer may waive setback requirements for temporary structures, provided the structure does not interfere with highway horizontal sight distances.
- 504.3** Mobile homes, travel trailers, pick-up coaches, motorized homes and boat trailers may be parked or stored subject to the following requirements:
- (a) Mobile homes may be parked or stored only in Business Zone Commercial Sales Lots.
 - (b) A single camper or recreational vehicle may be temporarily occupied or used for living or housekeeping purposes on a parcel located in Residential, Business, and Agricultural Districts to a maximum of six (6) months in any one calendar year. No permit shall be required.
- 504.4** Tractor trailer box units and covered and completely enclosed other trailer units, but excluding buses, mobile homes, and recreational equipment which may not be used as storage facilities, may be used only as storage facilities and shall be permitted as accessory structures in Agriculture, Business, and Industrial zones provided the following conditions are met:
- (a) The unit shall meet all setbacks of the district.
 - (b) The unit's signage shall be removed.
 - (c) The unit shall be kept in good repair.

505 **Height Limitation:**

- 505.1** Building height in excess of the height above average ground level allowed in any district may be permitted, provided all minimum front, side and rear yard depths are increased 1 (one) foot for each additional foot of height.
- 505.2** The following structures are exempt from height regulations, provided they do not constitute a hazard to an established airport:
- Stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles, and silos.
- 505.3** Measurement of height shall be the vertical height from the average elevation of finished grade at the front of the structure to:
- (a) In case of flat roof structures – highest point of coping;
 - (b) In case of mansard roof structures – deck line of roof;
 - (c) In case of gable or hipped roof - average height of roof. A habitable attic shall be counted as a story.

505.4 Visibility at intersections: On a corner lot in any residential district, no structure, fence, wall, hedge or other planting shall be erected or allowed to grow, be placed or maintained at a height of more than 2 ½ (two and one half) feet above the curb line within a triangle formed by the street lines and a straight line joining said street lines at points 25 (twenty-five) feet from their point of intersection.

505.5 The Wayne Township Airport Zoning Ordinance and Height Limitation and Zoning District Map shall be incorporated and made part of Wayne Township's Comprehensive Zoning Regulation and shall be administered and enforced in connection therewith.

506 **Off-Street Loading and Parking:**

Off –street loading and parking spaces shall be provided in accordance with the specifications in this section in all districts, whenever any new use is established or an existing use is enlarged. Where the use of a premise is not specifically mentioned, requirements for similar uses shall apply.

506.1 **Off-Street Loading:**

Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the table below:

OFF STREET LOADING SPACE REQUIREMENTS

<u>USES</u>	<u>SQUARE FEET OF FLOOR AREA</u>	<u>REQUIRED OFF-STREET LOADING BERTHS</u>
Schools	15,000 or more	1
Undertakers and Funeral Parlors	For each 5,000 or major fraction thereof	1
Hotels and Offices	10,000 – more	1
Commercial	10,000 –25,000	1
Wholesale Manufacturing and Storage	25,000 – 40,000	2
	40,000 – 60,000	3
	60,000 – 100,00	4
	For each additional 50,000 or major fraction thereof	1 additional

Each loading space shall not be less than 12 (twelve) feet in width, 55 (fifty-five) feet in length and 14 (fourteen) feet in height. The following standards shall apply for off-street loading:

- (a) No loading dock shall be located within 200 (two hundred) feet of a residential or other differently zoned district.
- (b) Loading docks shall be prohibited along street frontages in order to prevent traffic congestion.
- (c) All truck loading docks shall be designed so that trucks need not back in nor out, nor park in the public right-of-way.

506.2 **Off Street Parking:**

- (a) Size and Access: Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet, nine (9) feet in width and twenty (20) feet in

length exclusive of access drives or aisles, and be in usable shape and condition. Except in the case of dwellings, no parking area shall contain less than three spaces and shall be designed and constructed to provide sufficient turn-around area to allow vehicles to exit via designated driveways. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not exceed twenty feet in width. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley. The minimum distance between driveways serving the same parking lot shall not be less than thirty feet.

- (b) Number of Parking Spaces Required: The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned requirements for similar uses shall apply.

OFF STREET PARKING SPACE REQUIREMENTS

USES

REQUIRED PARKING SPACE

Automobile Sales and Service Garages	1 for each 400 sq. feet of floor area
Banks or Professional Offices	1 for each 200 sq. feet of floor area
Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Bowling Alleys	7.5 for each alley
Car wash	5 for each wash lane
Community Buildings and Social Halls	1 for each 75 sq. feet of floor area
Beauty Parlors and Barber Shops	1.5 for each chair
Driving Ranges and Miniature Golf	1 for each tee
Dwellings and Mobile Home Parks	2 for each family or dwelling unit Including space in garage
Food Supermarkets	1 for each 100 sq. feet of floor area
Funeral Homes and Mortuaries	5 for each parlor
Furniture or Appliance Stores	1 for each 200 sq. feet of floor area
Hospitals, Nursing or Convalescent Homes	1 for each 2 beds
Hotels and Motels	1 for each living or sleeping unit
Manufacturing or Bottling Plants, Research Or Testing Laboratories	1 for each 500 sq. feet of floor area
Medical or Dental Offices	5 for each doctor or dentist
Restaurants, Taverns and Night Clubs	1 for each 2.5 seats
Retail Stores and Shops	1 for each 200 sq. feet of floor area
Rooming Houses and Dormitories	1 for each bedroom
Service Stations	3 for each service bay
Sports Arenas, Auditoriums, Theaters and Entertainment Facilities	1 for each 3.5 seats
Mobile Home or Monument Sales	1 for each 2,500 sq. feet of lot area
Wholesale Establishments or Warehouses	1 for each 2 employees on maximum shift. The total parking area shall not be less than 25% of the building floor area

- (c) Location of Parking Areas: Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit Parking spaces to be located not more than 400 (four hundred) feet distant from the lot of the principal use if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

506.3 Minimum Distances and Setbacks:

No off-street loading or parking area for more than 5 (five) vehicles shall be closer than 20 (twenty) feet of any adjoining property containing a dwelling, school, hospital or similar institution and in accordance with Article 503.4 of this Ordinance.

506.4 Surfacing:

With the exception of single family dwellings, the alignment and gradient of all parking and loading areas and access drives shall be properly adapted to topography, to the safe movement of the types of traffic anticipated, and to adequately control surface and ground water. Surfacing and maintenance shall provide a sound all-weather driving surface, reasonably smooth and free from mud, dust or standing water.

506.5 Lighting:

Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises of any residential district.

506.6 Drive-in Facilities:

Any establishment, which has drive-in facilities, as defined in this ordinance, shall, in addition to the spaces required by Section 506.2, provide lane spaces between the service structure and the public right-of-way as designated below. A lane space shall be one vehicle in width and twenty-two feet long. The vehicle position at the pump island, service window, wash bay, service booth, or other service structure, may be counted as one lane space.

Drive-in Theaters: Eight lane spaces per each ticket window.

Service Station: Three lane spaces per each side of a pump island.

Banks: Seven lane spaces per service window.

Car Wash Facilities: Eight lane spaces per wash bay.

Other Facilities: Four lane spaces per service window or other service structure.

507 Mobile Home:

507.1 Individual mobile homes, house trailers or similar structures that are or have been designated for mobility shall not be used as dwelling units in any district within the municipality, except in duly approved parks as hereinafter provided, or unless they meet the requirements of Section 504 of this Zoning Ordinance. Mobile homes may only be placed upon private lots as single family dwellings. They shall meet the following minimum requirements:

- (a) The mobile homes shall contain a minimum of eight hundred (800) square feet of heated living area.
- (b) The mobile home must be supported by poured concrete pilasters, pads, or full foundation as recommended by the mobile home manufacturer, and be in full compliance with Section 504.1 Permanent Foundations.
- (c) The mobile home must have tie-down anchor devices as recommended by the mobile home manufacturer.

- (d) The mobile home must have skirting that meets or exceeds the recommendations of the mobile home manufacturer/ dealer.
- (e) Mobile homes sited in Wayne Township after the effective date of this Ordinance shall be constructed to the above requirements or removed from the township.

507.2 No mobile home or accessory building, whether installed on a single lot or in a mobile home park, shall be erected unless a zoning permit is first obtained.

507.3 No mobile home, whether installed on a single lot or in a mobile home park shall be removed without first obtaining a permit from the Wayne Township Tax Collector. Such permit shall be issued upon payment of taxes assessed against the home and unpaid at the time the permit is requested.

508 **Mobile Home Parks:**

Mobile home parks shall be placed only in areas zoned R-3 and shall meet the following requirements:

508.1 No mobile home park shall have an area of less than five (5) acres.

508.2 In the event the mobile home park exceeds four (4) lots, each lot shall be served by community water and sewer facilities or served by a common water supply and a common sewage or septic disposal system supplied by the mobile home park owner.

508.3 Each mobile home lot within the park shall have an area of at least five thousand (5,000) square feet and a minimum lot width forty (40) feet. The length of any mobile home lot with a width over forty feet shall be no greater than three (3) times its width.

508.4 No mobile home or accessory building shall be closer than fifteen (15) feet to any property adjacent to the mobile home park.

508.5 No mobile home or accessory building shall be closer than ten (10) feet to any mobile home lot lines.

508.6 No mobile home or accessory building shall be closer than fifty (50) feet to a public highway right-of-way line.

508.7 Each mobile home must have skirting. The skirting must meet or exceed the recommendation of a mobile home manufacturer; each mobile home shall be placed upon a permanent foundation with tie-down anchor devices as provided by the Erie County Subdivision and Land Development Ordinance dated February 3, 1998.

508.8 The internal street system shall be privately owned, constructed, and maintained, and shall be designed for safe and convenient access to all lots and to facilities for common use by park occupants; and shall comply with the requirements of Section 506 of the Zoning Ordinance.

508.9 No less than ten per cent (10%) of the gross area of the park must be improved for recreational activities of the residents of the park.

508.10 To limit unauthorized access, the mobile home park shall provide a fence or screen planting of trees, evergreens, hedges or shrubs, no less than six (6) feet high and two feet wide, on the side and rear property lines; and with no openings to adjacent properties other than required access drives, if deemed necessary by the Board of Supervisors.

508.11 Approval by the Pennsylvania Department of Environmental Protection and the Erie County Health Department shall be required. The park shall meet the minimum design specifications established by the Mobile Home Manufacturers' Association or the equivalent.

508.12 No zoning permit for mobile home park construction or enlargement shall be issued prior to review and approval of the design plans by the Wayne Township Planning Commission and the Board of Supervisors.

509 **Water Recreation and Storage (Areas):**

Any facility for water recreation such as a swimming pool, swimming clubs and commercial fishing ponds or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons, excluding farm ponds, and natural bodies of water, may be permitted in certain districts as a special exception, and shall comply with the following regulations:

509.1 The facility must meet the setback requirements of the district.

509.2 The facility must be enclosed by a fence no less than eight (8) feet high to prevent uncontrolled access by small children, if prescribed by the Planning Commission for safety reasons.

509.3 The facility, if operated to attract visitors, must comply with parking requirements established by the Planning Commission.

509.4 Before a permit shall be issued to the operator or owner of the facility, a plan shall be submitted to the Planning Commission, showing size of facility, proposed use, parking arrangement and use of buildings of site, surrounding properties and their usage, and any other pertinent information.

509.5 Private swimming pools shall be permitted providing they meet the setback requirements of the district. An in-ground pool must be enclosed by a fence no less than four (4) feet high; access to an above ground pool must be secured to prevent unauthorized access. A zoning permit shall not be required for an above ground pool. The addition of permanent decking, walkways, shelters, etc. shall require a permit.

510 **Signs:**

No sign shall be permitted except as herein provided:

510.1 **In any district:** All signs except those maintained pursuant to and in the discharge of any law, ordinance, governmental regulation or function shall comply with the following general requirements:

- (a) They shall not be illuminated in any manner, which will cause undue distraction, confusion or hazard to vehicular traffic. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information. No sign shall be permitted which is a nuisance to an adjacent property owner.
- (b) Signs greater than ten (10) square feet in area shall be located not closer than seventy-five (75) feet to a road intersection.
- (c) They shall not be located to interfere with highway horizontal sight distances, nor shall be located at curves.
- (d) Permanent signs must be of professional quality and constructed of durable materials, must be kept in good condition and repair, and not allowed to become dilapidated.
- (e) Any permanent off-premise sign which has remained without bona fide advertising for 12 months or which has been without a current lease from the landowner for more than 90 days shall be presumed abandoned and shall be removed within sixty (60) days after notice from the Township of the abandonment. The word sign shall include the structure, which supports the sign face as well as the sign face itself.
- (f) Hospitals, schools, churches, or industries may place not more than two signs indicating the direction to their facilities. Such signs shall be for directional purposes and shall include only the name of the facility with arrows. Each sign shall not exceed 600 square inches in area.
- (g) One temporary sign naming the contractor, mechanic, or painter engaged in the construction on premises where the sign is located shall be permitted, but only during the period in which actual construction is taking place. No permit shall be required.
- (h) One development sign not exceeding thirty-five (35) square feet and advertising a building or improvement or future use of a building being constructed or altered upon the premises may be erected sixty days prior to the start of construction, during active construction and for not more than thirty days after completion.
- (i) One bulletin board not exceeding thirty-five square feet in area will be permitted in connection with any church, school or similar public premises.
- (j) One permanent residential development sign, not exceeding thirty-two (32) square feet in area, shall be permitted at major entrances to a residential subdivision designed to identify the subdivision and shall contain no commercial advertising.
- (k) Permanent signs advertising a business commodity, service, or entertainment conducted, sold or offered elsewhere than on the premises shall have an area not to exceed fifty (50) square feet, nor any single dimension exceeding ten (10) feet. Such signs shall not be located within three hundred (300) feet of any other sign on the same side of the road. A signed statement of permission from the landowner must be filed with the zoning application for off premise signage.
- (l) Temporary signs, on and off premises, indicating the location and occurrence of a non-profit organizations fund raising sale or event shall be permitted during and thirty days prior to the time period for the sale. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed within two weeks after the end of the event or sale. Said organizations shall not be charged an application fee.
- (m) Temporary signs, on and off premises, advertising the sale of edible farm and/or garden products shall be permitted for the duration that such products are available. Such signs shall not exceed thirty-two (32) square feet in area in Agricultural and Business zones, and six (6) square feet in area in Rural and Suburban Residential zones. No permit shall be required.
- (n) Temporary real estate sale or political signs not exceeding eight (8) square feet in area shall be permitted on a property. Such signs shall be removed within thirty (30)

days following the election for which it was erected or within thirty (30) days following the sale of real estate. Political signs are not permitted within the triangles of land located at the intersection of Route 6 and West Smith Street.

- (o) Zoning permits shall be required for all signs ten (10) square feet in area or larger which shall be regarded as structures within this Ordinance unless specifically excluded.
- (p) Application for a zoning permit for sign placement shall include the following information:
 - 1) Name, address, and phone number of the applicant and property owner.
 - 2) A map or site plan showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings, existing signs, and thoroughfares. Such map or site plan must be to scale.
 - 3) A plan showing the design of sign, materials used, and method of construction and means of attachment to the building or the ground.
 - 4) Name of person, firm, corporation or association erecting, altering, or moving said sign.

510.2 No sign shall be permitted in **Agricultural** or **Residential** Districts except as herein provided:

- (a) One sign not exceeding 6 (six) square feet in area will be permitted which announces the name and professional activity of the occupant of the premises on which said sign is located.
- (b) Signs ten square feet or larger in area shall not be permitted closer than one hundred (100) feet of any residential use, school, church, park, playground, or cemetery.
- (c) Signs permitted in Section 510.1

510.3 In **Business** Districts, no sign shall be permitted except as herein provided:

- (a) One free standing business sign in connection with any legal commercial use or structure, having an area not to exceed one hundred eighty (180) square feet, will be permitted on the premises of the business, provided such sign contains no information beyond the name, symbol and nature of the business, providing that if said commercial use or structure faces more than one road, one sign shall be allowed on each read frontage.
- (b) Signs placed or painted on the side of existing structures not exceeding twenty-five percent (25%) of a building face shall be permitted, provided the sign complies with all other requirements of this Ordinance. No wall sign shall extend above the top of the wall nor beyond the left and right extremities of the wall upon which it is placed; nor shall any wall sign project more than ten (10) inches from the wall upon which it is placed.
- (c) Excluding the one hundred eighty square foot free standing sign and wall signs, no more than four (4) additional permanent and temporary signs, each not exceeding forty (40) square feet shall be permitted on a property.
- (d) Advertising sign boards may be erected and maintained only when such signs relate directly to the use conducted on the property or carried on within such building. A portable sign may be so used provided the wheels are removed, and the sign is stationary and secure on the premises.

- (e) One additional free standing identification sign shall be permitted at each entrance to a shopping center or a private no outlet road serving multiple properties.
 - 1) The top sign not to exceed one hundred eighty square feet shall list the name of the shopping center or development.
 - 2) The multiple stack type signs will each have a maximum area of twenty-four (24) square feet and contain only the names and/or logo of the businesses located in the plaza or development. No other type of advertising will be allowed on the sign structure.
 - 3) The sign structure shall be a one or two post construction with a minimum of ten foot clear span, other than the support posts, from the bottom of the lower listing to the height of the entrance roadway.
- (f) Signs as permitted in 510.1

510.4 In **Industrial** Districts, no sign shall be permitted except as herein provided:

- (a) One free standing sign, which contains information as to the activity, carried on the premises and name of company and symbol, provided that if said premise face more than one road, one sign shall be allowed on each road frontage. Each sign shall have an aggregate area not to exceed one hundred (100) square feet.
- (b) Signs as permitted in 510.1
- (c) Signs as permitted in 510.3

511 **Mineral Excavations:**

Excavation of sand, gravel or other material from the ground by surface shall be considered a temporary use and may be permitted in certain districts as a conditional use, if approved by the Board of Supervisors. All mineral excavations shall comply with the following minimum requirements and any other measures that the Board of Supervisors might specify to protect the public interest.

- 511.1** All operations must be conducted no closer than one hundred (100) feet to adjacent property not under common lease or ownership, unless a release is obtained by the adjacent property owner, and no closer than one-hundred (100) feet to any road right-of-way line.
- 511.2** All operations must be conducted no closer than three hundred (300) feet to an existing dwelling, school, hospital, or similar residential use.
- 511.3** The operator shall file with the Board of Supervisors a plan showing the location of adjacent properties, roads and natural features.
- 511.4** The operator shall submit to the Board of Supervisors for approval, a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses of other improvements contemplated, including the plan for the placement of sluices, drains, and culverts for new access roads constructed for use in conjunction with the excavation.
- 511.5** The operator shall file with the Board of Supervisors, written proof that he has met all permit, registration and bonding requirements of the Pennsylvania Department of

Environmental Resources or other such state agency as may have jurisdiction, by providing copies of the pertinent documents (permits, etc.). Notwithstanding any other provision of this Ordinance, all mineral excavations shall be in compliance with Pennsylvania Act 418, the Surface Mining Conservation and Reclamation Act, as amended.

- 511.6** Section 511 does not restrict an individual property owner from excavating sand or gravel for his own use provided the applicant meets the requirements of Sections 511.1, 511.2, 511.3 and submits a plan for restoration to the Zoning Officer.

512 **Landfills:**

512.1 General Provisions:

- (a) Sanitary landfills shall be permitted only in the Agricultural District as a conditional use.
- (b) Landfills in which non-organic or mineral fill is being placed in existing mineral excavations may be permitted in other zoning districts as a conditional use.
- (c) Plans for all landfills shall be approved and controlled by the Pennsylvania Department of Environmental Resources PennDER, Bureau of Land Protection and Reclamation, Division of Solid Waste Management, and in conformance with all Federal regulations and Pennsylvania Solid Waste Management Act, Act 241, as amended. Operators of sanitary landfills shall file with the Wayne Township Supervisors written proof that they have met all permitting requirements of PennDER.

512.2 Local requirements which must be met prior to permit approval by the Board of Supervisors include:

- (a) After filing proof with the Board of Supervisors that the application has met all of the permitting requirements of PennDER, the operator or applicant shall file application for a permit with the Wayne Township Zoning Officer, in the form prescribed by the Township and pay a permit fee as promulgated by the Board of Supervisors. The permit issued pursuant to this Section shall be renewed annually by the operator.
- (b) A buffer zone of two hundred (200) feet shall be required from all public rights-of-way, and a buffer zone of four hundred (400) feet shall be required from all dwellings, schools, churches and hospitals and similar residential uses and where landfill operations border districts which prohibit their use.
- (c) A barrier, either of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.
- (d) The barrier shall be at a minimum distance of 75 (seventy-five) feet from all operations and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil. The barrier shall also be at a minimum of 200 (two hundred) feet from an adjacent property or public rights-of-way.
- (e) The project shall consist of no more than 2 (two) access routes, unless the landfill property borders 3 (three) or more public rights-of-way. In such an event, approval by the Board of Supervisors will be necessary to secure an additional access route.

- (f) A bond will be filed with the Board of Supervisors in an amount deemed necessary by the Board, to provide for final covering and reclamation as specified under the provisions set in accordance with the approval of the Pennsylvania Department of Environmental Resources sanitary landfill permit, to assure compliance with all requirements of this Ordinance and permits issued pursuant to this Ordinance, and to provide for the repair of any Township roads damaged by transportation of materials to the landfill.
- (g) The operator shall submit to the Board of Supervisors for approval, a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land; the proposed final topography indicated by contour lines of no greater interval than 5 (five) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, and other improvements contemplated. When the operator has performed all requirements contained in the restoration plan, he will be issued a written certificate by the Zoning Officer that the restoration is complete and is in compliance with the plan.

512.3 The requirements of Section 512.2 (b), (c) and (d) may be waived by the Board of Supervisors when non-organic or mineral fill is being placed in existing mineral excavations.

513 Junkyards, Salvage and Similar Storage Areas Including Automobile Wrecking:

- 513.1** All junkyards shall be completely enclosed from roads or developed areas by a sight-obscuring screen being a masonry wall, wooden fence or chain-link fence with filler strips and at least eight feet in height to limit unauthorized access. Said screen shall be kept in repair at all times.
- 513.2** The site shall contain one entrance and one exit, each less than thirty feet in width.
- 513.3** Storage shall be limited to non-organic material.
- 513.4** The site shall have a minimum lot size of five acres.
- 513.5** The site shall be located no closer than one hundred feet to existing state or municipal roads.
- 513.6** The site shall be located a minimum of one hundred feet from any side or rear property line.
- 513.7** On-site burning or incineration of vehicles shall be prohibited.
- 513.8** All such sites shall comply with all State and Federal regulations, and written evidence of such compliance shall be furnished to the zoning officer upon three days notice.
- 513.9** The owner(s) of any such site shall comply with all Local Enabling Tax Ordinances as they relate to the operation, and written evidence of compliance shall be furnished to the Zoning Officer upon three days notice.
- 513.10** Should any site terminate operations, the owner shall remove all junk, salvage, abandoned automobiles, etc. within twelve months of the termination.

514 Agriculture:

514.1 Roadside stands for sale of agricultural products shall be permitted in all districts providing:

- (a) They are erected out of the highway right of way.
- (b) They shall be used exclusively for the sale of agricultural and home products.
- (c) They shall be temporary structures. No permit shall be required.

514.2 Horses and/or ponies shall be permitted in R-2 zones providing:

- (a) The minimum lot area is three or more acres in size.
- (b) One horse or pony shall be permitted per acre of land area.
- (c) The land area used by such animals shall be completely enclosed by a fence or other method of enclosure.
- (d) The animals are housed only for the recreational use of the individuals living on the premises.
- (e) Animal excretions are stored or stockpiled for no longer than a one-month period of time.
- (f) Accessory buildings housing the animals shall be located no closer than fifty feet from any lot line.

514.3 Heavily used facilities for animal raising and care, including housing and pen facilities, feed lots, and runs, but not limiting pastures, shall not be constructed within 150 feet of a neighboring property.

514.4 Concentrated Agricultural uses may be permitted as a conditional use in A zone providing the following requirements are met:

- (a) The minimum lot area shall be five acres.
- (b) Concentrated commercial animal operations, as defined under the Nutrient Management Act, shall submit a nutrient management plan to the Township.
- (c) Construction of manure storage buildings must be approved by the County Conservation District with documentation filed with the Township.

514.5 Agricultural Business and Industry shall be permitted within the A district provided the following criteria are met:

- (a) That the use is purely secondary to the primary use of the land.
- (b) That the use is an adjunct function or operation of the product of the agricultural activity.
- (c) That the use would not dramatically alter the character of the A district. Such use specifically includes the processing or wholesale sale of the farm product.

515 Problem Development Land:

Land, where development and public health, safety and general welfare are threatened by special development problems consisting of excessive slope or periodic flooding or wetlands, shall conform to the following regulations:

515.1 Steep Slope:

Land having a slope in excess of twenty-four (24) per cent shall be deemed steep slope land. For the purpose of determining compliance with the area requirements of this Ordinance, the area of steep slope land shall be computed at one-tenth the value of the other land; that is each ten square feet of steep slope shall be counted as one square foot in computing such compliance.

515.2 Flood Plains:

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Maps. Only the most updated version of these maps shall be referred to. These maps and data are to be considered as part of the Wayne Township Zoning Map. No use shall be permitted on land located within a Flood Plain that is not in compliance with the provisions of the Wayne Township Flood Plain Ordinance and its amendments.

515.3 Wetlands:

No use shall be permitted on land identified to be wetland as determined by National Wetlands Inventory (USGS Quad Maps) Maps, until all applicable State and Federal Permits are obtained.

516 Performance Standards:

No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons in the township. Furthermore, every use of land or structure in any district must observe the following performance requirements, except that nothing shall be construed to prevent any general farm practice.

516.1 Fire Protection:

Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

516.2 Electrical Disturbances:

No activity shall cause undue electrical disturbance adversely affecting radio or other equipment in the neighboring area.

516.3 Noise:

Noise, which is determined to be objectionable because of volume, frequency or beat, shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be excepted from this requirement.

516.4 Smoke:

The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringleman Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than NO. 2 will be allowed. Exception to this may occur when starting new fires or there is a breakdown of equipment.

516.5 Vibrations:

Vibrations detectable without instruments on neighboring property in any district except the heavy industrial district shall be prohibited. Vibrations detectable without instruments on neighboring property in the heavy industrial districts shall be permitted, provided such vibrations do not endanger or in any way damage persons or properties on neighboring properties.

516.6 Odorous Emissions:

Uses located in industrial areas shall be permitted to emit odorous gas or matter as long as it does not endanger lives or property and as long as it is not discernible on any lot or property in any district other than the industrial district.

516.7 Air Pollution:

No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property.

516.8 Glares:

Lighting devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

516.9 Erosion:

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

516.10 Water Pollution:

Water pollution shall be subject to the standards established by the Erie County Health Department and/or the Pennsylvania Department of Environmental Resources.

517 Home Occupations:

As a Special Exception in A, R-1, R-2, and R-3 districts, a home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall apply:

517.1 The occupation is customarily carried on in a dwelling unit without the permanent installation of special equipment.

517.2 The occupation is carried on by a member of the family residing in the dwelling unit, with not more than one employee outside the family.

517.3 The occupation is carried on wholly within the principal structure or adjacent accessory structure.

517.4 There shall be no exterior display, exterior sign other than permitted by section 510, of the Wayne Township Zoning Ordinance, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal structure.

517.5 No offensive odor, noise, vibration, smoke, dust, heat, or glare shall be produced.

517.6 The occupation shall be limited to personal services. There shall be no commodity sold on the premises, except for commodities which are clearly incidental to the occupation.

The nature of any commodities to be sold shall be established at the time a permit is issued.

- 517.7** The occupation shall occupy no more than thirty percent of the principal and accessory structure.
- 517.8** One parking space shall be provided for each one hundred square feet of space devoted to the home occupation, in addition to residential parking, Any home occupation requiring more than six additional parking spaces shall not be permitted.
- 517.9** No off-street loading facilities shall be installed.
- 517.10** Home occupations may include, but are not limited to, studios, dress making, offices of architects, engineers, surveyors, accountants, real estate agents, insurance agents, teachers, and beauty shops.

518 **Campgrounds**

Campgrounds may be permitted as a conditional use in areas zoned A, R-1 and B and shall meet the following requirements in addition to any conditions imposed by the governing body and the laws of the Commonwealth and County.

- 518.1** No campground shall have an area of less than five acres. The site shall be so located that soil conditions, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants, as determined by the Erie County Conservation District.
- 518.2** The provision of central water and sewerage facilities is mandatory. Such facilities and all plumbing and electrical installations, refuse and garbage disposal; insect and rodent control; sanitary stations; and service buildings containing toilet and shower facilities shall be in accordance with applicable minimum standards established by the Erie County Dept. of Health and the Pa. Dept. of Environmental Protection.
- 518.3** Individual unit spaces shall not exceed twenty per acre. The minimum area of any space shall not be less than eight hundred square feet with no dimension less than twenty feet. No space shall be located less than fifty feet from road right of ways nor less than thirty-five feet from any property adjacent to the campground.
- 518.4** Not less than ten percent of the gross area of the park must be improved for recreational activities of the residents of the park. Swimming pools and other facilities shall comply with applicable requirements of the Zoning Ordinance.
- 518.5** The internal street system shall be privately owned, constructed, and maintained, shall be designed for safe and convenient access to all spaces and to facilities for common use by campground residents. Each campground shall provide off-street parking, loading, and maneuvering space. Walkways shall be provided to all accessory buildings and service facilities of the campground, and shall be adequately illuminated.
- 518.6** To limit unauthorized access, the campground shall provide a fence or screen planting of trees, evergreens, hedges, or shrubs, no less than six feet high on the side and rear property lines, and with no openings to adjacent properties, if deemed necessary by the Board of Supervisors.

519 Radioactive Waste Facilities:

519.1 Radioactive Waste Facilities shall be permitted only in the A-Agricultural District as a conditional use. No radioactive substance or waste generated by any government agency or pursuant to a federal or state government contract or license nor as defined in the Nuclear Regulatory Commission (NRC) Section 11 (e) (2) of the Atomic Energy Act of 1954, codified as amended at 42 U.S.C. Amendment of 1985 and in effect as of January 1, 1986, or in the Pennsylvania Low-level Radioactive Waste Disposal Act, Act 1988 –12, 1988 PA Legislature. Serv.23 (Purdon) (LLRWDA), that may be redefined as an expanded exemption, below regulatory concern (BRC) or otherwise deregulated by the NRC or any other federal agency shall be received for treatment, recycled, incinerated, deposited in sewers or accepted at any solid, liquid, or hazardous waste facility. All LLRW as specified above shall be deposited at a LLRW facility. All such uses shall comply with the Wayne Township Radioactive Waste Facilities ordinance.

520 Garage, Towing, Repair & Service

Shall meet the following minimum requirements:

520.1 As a special exception use in an A zone, they shall be located not less than 100 feet from an adjoining residential use, church, school, park or playground.

520.2 Vehicles located on the lot for service shall be serviced within one hundred eighty (180) days or shall be removed.

520.3 When located in an Agricultural Zone as a special exception, no garage shall exceed five vehicles outside a structure.

520.4 Holding tanks for hazardous material fluids shall be on-site. These tanks shall not be open to weather and shall be designed to prevent spillage or leaks.

521 Airports:

Private or public airports may be constructed subject to the following restrictions:

521.1 The developer must secure, and present copies to the Township, of all required permits from the Commonwealth of Pennsylvania, the Federal Government (particularly the FAA), or other agencies of competent jurisdiction for the operation of an airport.

521.2 The minimum lot size shall be five acres.

521.3 The developer shall submit a complete development plan to the Board. The Model Airport Zoning Regulations of the Federal Aviation Administration will be used as a guide in this matter. The recommendations of the Board's engineer will be conditions for approval of the airport.

522 Eating & Drinking Establishments & Clubs:

Shall meet the following minimum requirements:

522.1 As a special exception use in A & R-1 zones, they shall be located a minimum of 100 feet from the nearest property line of any residential use, church, school, hospital, library, park or playground.

523 **Entertainment Facilities, Outdoor:**

Shall meet the following minimum requirements:

523.1 Facilities in Agricultural Zones shall be located a minimum of 200 feet from any residential use, church, school, park or playground. The Zoning Hearing Board may impose hours of operation on the facility.

523.2 Facilities in Business Zones located within 100 feet of any hospital, or residential use shall restrict hours of operation to 8 a.m. to 11 p.m.

523.3 The facility shall provide restrooms for the use of customers/public.

523.4 Special plantings or fencing may be required at the option of the Zoning Hearing Board for screening of the facility and maintenance areas from adjoining property uses. Specifically a requirement for closely spaced dense plantings to provide a noise barrier, and/or fencing for controlled access to the facility may be required.

523.5 The facility, if lighted, shall utilize fixtures mounted to provide a downward illumination pattern with no splash outside the property boundaries.

523.6 If applicable to the facility, the storage of fuel shall meet all Federal and Commonwealth of Pennsylvania guidelines.

524 **Sludge Land Application:**

Land application of sewage sludge may be permitted as a conditional use in Agricultural Zones provided the following minimum requirements are met. Additional conditions may be imposed by the Board of Supervisors if deemed necessary.

524.1 Plans for all land application of sewage sludge shall be approved and controlled by the Pennsylvania Department of Environmental Protection. An applicant shall file with the Township Supervisors written proof that they have met all permitting requirements of DEP.

524.2 A minimum of five acres shall be required for any land application of sewage sludge operations.

524.3 The operation shall be located a minimum of five hundred (500) feet from any residential use, church, school, park or playground.

524.4 The Wayne Township Land Application of Sewage Sludge Ordinance shall be incorporated and made part of the Wayne Township Zoning Regulations and shall be administered and enforced in connection therewith.

525 **Supply Yards:**

Supply yards shall meet the following minimum requirements:

525.1 The supply yard shall be necessary for the operation of a legitimate business or contracting profession.

525.2 Outside storage shall be in a neat and orderly arrangement.

525.3 If required by the Zoning Hearing Board, the property shall be enclosed by a sight-obscuring fence to prevent unauthorized access.

526 **Warehousing/Wholesale Business:**

Warehousing/wholesale business shall meet the following minimum requirements:

526.1 The facility shall be constructed with all garage doors, loading doors, etc. facing an area located off-road and requiring entrance and exit from a designated private drive.

526.2 All processing and storage of materials is to be completely within the interior area. There shall be no outside storage of any material.

527 **Gas Stations, Service Stations:**

Gas stations may be permitted as special exceptions in business zones in accordance with the following minimum requirements:

527.1 The operator shall file written proof with the Township that he has met all permit, registration, and bonding requirements of the Pennsylvania Department of Environmental Protection or other state agency as may have jurisdiction, by providing copies of the pertinent documents. Notwithstanding any other provision of this Ordinance, all fuel storage tanks shall be in compliance with Act 32 of 1989, the Storage Tank and Spill Prevention Act, and its amendments.

527.2 The dominant use shall be for the purpose of selling gasoline, oil, emergency accessories, and other incidental customer services and products; lubrication, washing and waxing, and general automobile repair; but excludes storage of disabled vehicles for repair parts and auto body repair work. Vehicle rentals may be permitted with the provision of adequate parking.

528 **Bulk Fuel/Industrial Gases Storage:**

Bulk Fuel/Industrial Gases Storage may be permitted as a special exception in a business and industrial zones with the following minimum requirements:

528.1 Federal and State Inspection Certificates must be filed with the Township Tier 2 report and contact list must be filed with Fire Department; placards shall be on site. Transfer of business ownership shall require immediate notification to the Township and Fire Department. A Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage in the minimum amount of \$1,000,000 per occurrence covering storage site must be filed with the Township.

528.2 All tanks and delivery trucks shall be enclosed by security fencing; and illuminated with dusk to dawn lighting; all tanks shall be maintained in good repair.

528.3 The tank or tanks shall be placed no closer than 150 feet to the road right of way, side property lines, or rear property line.

528.4 The applicant shall ensure an adequate water supply is available on site, i.e.: public water, pond, water tower, buried tank, as determined by the Fire Department.

528.5 The applicant shall reimburse the township for costs incurred for installation of “truck entrance” signs.

529 **Recycling/Transfer/Drop off Facility:**

Recycling/transfer Facilities shall meet the following minimum requirements:

529.1 Facility shall only process recyclable materials. No waste material of any kind shall be processed or baled for the primary purpose of transferring to a landfill or incinerator for disposal. No material classified as hazardous waste will be processed or recycled at the facility.

529.2 The facility shall be constructed with all garage doors, etc. facing and area located off-road and requiring entrance and exit from a designated private drive.

529.3 All processing and storage of materials is to be completed within the enclosed building. Recycling of materials requiring outside storage, i.e. Scrap iron, shall comply with the requirements for Salvage Yards, Section 513 of the Zoning Ordinance.

530 **Communications Towers, Antennas And Equipment Buildings:**

530.1 Communications antennas and equipment buildings may be located in any district providing they comply with the following general requirements:

- (a) Building mounted Communications Antennas shall not be located on any single-family dwelling or multiple family dwelling.
- (b) Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
- (c) Omni directional or whip communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
- (d) Directional or panel Communications Antennas shall not exceed five (5) feet in height or three (3) feet in width.
- (e) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- (f) The owner or operator of the Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas and shall comply with all applicable standards established by the FCC.
- (g) A Communications Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.

530.2 Communications Towers may be permitted as Special Exception in R-1 and A-1 Zoning Districts provided the following minimum standards are met:

- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower and Communications Antenna.

- (b) The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (c) Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and Airport Zoning Regulations.
- (d) Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one or more of the following reasons for not selecting such Structure apply:

 - 1) The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
 - 2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
 - 3) Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - 4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such Structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.
 - 5) A commercially reasonable agreement could not be reached with the owners of such Structures.
- (e) Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet in width and shall be improved to a width of at least ten feet with a dust-free weather surface for its entire length.
- (f) A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.
- (g) The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its functions.
- (h) The maximum height of any Communications Tower shall be one hundred fifty feet, provided, however, that such height may be increased to no more than two hundred feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of one hundred fifty feet.
- (i) The foundation and base shall be set back a minimum of one hundred feet from the nearest property line of any residential use, church, school, library, park, or playground, and set back a minimum of fifty feet from any other property line (not lease line).
- (j) The base of the Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.
- (k) The Communications Building shall comply with the yards and height requirements of the applicable Zoning District for an accessory structure.

- (l)** The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the electrical Industrial Association / Tele-communications Industry Association.
- (m)** The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower, and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
- (n)** All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- (o)** The site of a Communications Tower shall be secured by a fence with a maximum height of eight feet to limit accessibility by the general public.
- (p)** No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
- (q)** Should a communications Tower remain unused for a period of twelve consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six months of the expiration of such twelve-month period.
- (r)** One off street parking apace shall be provided within the fenced area.