

Revised Draft – 7/30/2019, Forestry and Tree Preservation Regulations removed.

**TOWNSHIP OF PLAINFIELD,
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 393**

**AN ORDINANCE OF THE TOWNSHIP OF PLAINFIELD AMENDING
THE PLAINFIELD TOWNSHIP ZONING ORDINANCE, CHAPTER 27,
AS AMENDED, INCLUDING NEW OR REVISED PROVISIONS
REGARDING: DEFINITIONS, LIGHT AND GLARE CONTROL,
BILLBOARDS, SIGN ILLUMINATION, NOISE CONTROL,
SOLAR ENERGY SYSTEMS, WIND TURBINES,
MINERAL EXTRACTION, MOBILE HOME INSTALLATION,
PLANNED RESIDENTIAL DEVELOPMENTS,
CONSERVATION DEVELOPMENT, CONDITIONAL
AND SPECIAL EXCEPTION USE STANDARDS,
OUTDOOR COMMERCIAL RECREATION, WIRELESS
COMMUNICATIONS FACILITIES, TRANSFER
OF DEVELOPMENT RIGHTS, SETBACKS FROM PIPELINES
AND NATURAL GAS COMPRESSOR STATIONS,
WATER EXTRACTION, AND COMPLIANCE WITH STATE ACT 24
OF 2008, ADDRESSING PROTECTION OF THE
APPALACHIAN NATIONAL SCENIC TRAIL CORRIDOR.**

Under the authority and procedures of the Pennsylvania Municipalities Planning Code (MPC), as amended, and to comply with Act 24 of 2008, the Plainfield Township Board of Supervisors of Northampton County, Pennsylvania hereby ordain and enact the following amendment to the Plainfield Township Zoning Ordinance:

PART 1. Definitions. The following definitions are added or replaced with the following new definitions in Section 27-202, in alphabetical order:

“Act 24 of 2008. An amendment to the Pennsylvania Appalachian Trail Act that authorizes actions to protect the Appalachian Trail corridor.

Agricultural Industry or Industries. A use that involves the bulk wholesale sale, storage, treatment, packaging, bottling and/or processing of agricultural crops, such as a feed mill, a winery or a cider processing facility. This term may also include: a) composting of agricultural crops or yard waste, b) commercial greenhouses or c) aquaculture. This term shall not include: a) a slaughterhouse, b) a tannery, c) a water extraction use for off-site non-agricultural consumption, d) bulk composting of manure generated by multiple different agricultural operations, e) industrial processing, burning or drying of sewage sludge or septage, or f) composting of meat processing waste.

Appalachian National Scenic Trail (or Appalachian Trail). A trail extending from Maine to Georgia that is managed by the National Parks Service, and which is maintained by volunteer trail organizations with the assistance of the Appalachian Trail Conservancy.

Appalachian Trail Conservancy. A volunteer-based organization dedicated to the preservation and management of the natural, scenic, historic, and cultural resources associated with the Appalachian National Scenic Trail.

DCNR. The Pennsylvania Department of Conservation and Natural Resources.

DEP. The Pennsylvania Department of Environmental Protection.

Dike or dam. An embankment constructed as a barrier to control the flow, hold back or raise the level of water, consisting of a top width and front and rear embankment slopes.

Evergreen Tree. A tree having foliage that persists and remains green throughout the year.

Forest. Shall have the same meaning as “Woodland.”

Forest Canopy. The aerial cover formed by the crowns of trees with a DBH of more than 8 inches.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

Invasive Plants. Those plants listed on the DCNR publication entitled “Invasive Plants in Pennsylvania.”

ISA. International Society of Arboriculture.

Land Disturbing Activity or Land Disturbance. Any change of the land surface including removing trees or vegetative cover, excavation, filling, grading and/or the construction of any structure. This term shall not include the following: 1) removal of hazardous or invasive vegetation; 2) customary agricultural practices such as tilling, plowing, mowing, and non-forestry harvesting; 3) customary landscaping practices (such as planting and trimming vegetation), and 4) cutting of trees that are dead, diseased or dangerous.

Litter. Discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.

MPC. The Pennsylvania Municipalities Planning Code, as amended.

Overlay District. A set of development standards and regulations applied to a delineated area over the area’s underlying zoning district regulations. Overlay districts are used for many purposes. Examples include conservation of sensitive environmental features (such as waterways).

PennDOT. The Pennsylvania Department of Transportation.

Protected Corridor. The permanently protected federal, state, or municipal land surrounding the Appalachian Trail, which is of varying dimensions that including National Park Service (NPS) land and state public land (such as State Game Lands).

SALDO. The Plainfield Township Subdivision and Land Development Ordinance, as amended.

Springs, Natural. An area where groundwater intersects at the ground surface either seasonally or perennially at a specific point, and which is not the result of an excavation of bedrock.

Streambank. The break in the slope between the waterline of a watercourse and the surrounding land area.

Tree. Any self-supporting woody plant, not less than a 2 inch caliper.

Vegetation. Trees, shrubs, ground cover and other plants that stabilize the soil.

Vernal Pool. Areas that are low points topographically and are typically covered by shallow water for an average of two months during normal years, but which may be completely dry for the remainder of the year, and which are not man-made.

Watercourse. A watercourse is a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, shown as Hydrology (blue lines) on the latest version of the Zoning Map. Man-made swales that were constructed specifically for stormwater management purposes are excluded from this definition.

Wetland. All lands regulated as wetlands by DEP and/or the United States Army Corps of Engineers, whichever is more inclusive. These include areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wind Turbine. A structure that converts wind energy into electricity, and which typically includes a nacelle, rotor, tower, and any pad transformer.

The following is added to the definition of "Agriculture" in Section 202: "An agricultural use may be combined with one dwelling unit on the same lot, provided that the requirements are met for the dwelling, regardless of whether the agricultural land is leased or not to another operator."

The following new Section is added as a new Section 27-201.1.G:

"G. If a term is not defined in this Zoning Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), the definition in the SALDO shall also apply to this Zoning Ordinance. If a term is not defined in the Zoning Ordinance and is not

defined in the SALDO, but is defined in the Stormwater Management Ordinance, then the definition in the Stormwater Management Ordinance shall apply to this Zoning Ordinance. If a term is not defined in any of those ordinances, then the Zoning Officer shall determine a definition based upon the plain and ordinary meaning of the term, within the context of the provision. A standard reference dictionary should be consulted in such case.”

PART 2. Lighting Control. The existing Section 27-514 is repealed and replaced with the following new text:

“27-514. CONTROL OF LIGHT AND GLARE.

1. Street Lighting Exempted. This Section 27-514 shall not apply to: a) street lighting that is approved to be in the street right-of-way, or b) an individual porch light of less than 8 feet total height attached to a dwelling or within a front yard (not including an unshielded spot light).
2. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot or within a Residential district or the BMC district shall be placed at a height exceeding 20 feet above the average surrounding ground level. In other situations, a luminaire or spotlight shall not be placed more than 30 feet above the average surrounding ground level. These limitations shall not apply to lights needed for air safety or lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities that is aimed downward. Lights that are attached to the top of a sign and that are aimed downwards may have a height equal to the total height of the sign.
3. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
4. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
5. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
6. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
7. Maximum Spillover. Exterior lighting from any use onto a residential use shall not cause a spillover of light onto a residential lot that exceeds 0.1 of a foot-candle, measured at line of sight inside the residential lot line, except where that lighting level is already exceeded by pre-existing conditions, the spillover may be increased by 0.1 footcandle. This limit shall also apply to sign lighting.

8. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection 7. above and to prevent glare onto streets. The Township may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
9. Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.
10. Upward Lighting and Lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity.”
11. Lighting Definitions.
 - A. Footcandle. Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified). A unit of illumination equal to one lumen per square foot as measured with an Illuminance meter, which is commonly known as a light meter. This is the illuminance provided by a light source of intensity one candle at distance of 1 ft., hence the name.
 - B. Full Cutoff. Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp’s intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.
 - C. Fully Shielded. Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.
 - D. Glare. Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.
 - E. Nits. A measurement of the brightness of light. One nit is equal to one candela (one candlepower) per square meter.
12. Sign Lighting. See Section 27-606.”

PART 3. Wind Turbines.

Wherever the term “windmill” exists in the Zoning Ordinance, it shall be changed to “wind turbine.”

Section 27-318.3.L. regarding Windmills is hereby replaced with the following new text:

“L. Wind Turbines.

- (1) A wind turbine is only allowed where it is listed as an allowed use in the applicable zoning district regulations. A wind turbine shall not be allowed in the BMC district. One wind turbine is allowed per lot, except if a lot includes more than 10 acres, one additional wind turbine shall be allowed for each 10 acres.
- (2) All Wind turbines shall be set back from each lot line and street right-of-way line a minimum distance equal to 1.1 times the total height from the ground level to the top of the maximum sweep of the turbine blade, as measured from the center of the Wind turbine base. Such setback shall not apply if a written signed and notarized waiver is provided to the Zoning Officer by the principal owner of adjacent lot. Two or more abutting lot owners may use the setback waiver process to share use of a wind turbine.
- (3) No part of a Wind Turbine shall be located within or above the front, rear or side setback that would apply to a principal building.
- (4) The minimum height of the lowest position of the wind rotor shall be 25 feet above the ground.
- (5) A wind turbine shall not be climbable for at least the first 12 feet above the ground level.
- (6) The Wind Turbine and its installation shall comply with the Uniform Construction Code and the Electrical Code, and be certified by Underwriters Laboratory or an equivalent entity.
- (7) If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method that are designed to remain visible during the lifetime of the turbine.
- (8) The turbine shall include automatic over-speed controls to address high speed winds, such as mechanical brakes.
- (9) The maximum total height above the ground level to the tip of the extended blade shall be 85 feet, except a maximum of 150 feet shall be allowed in GC district.
- (10) Any new electrical wiring shall be underground.
- (11) The color of the turbine should be non-obtrusive, such as white, off-white or gray.
- (12) Wind turbines shall not display any advertising, except for a single sign of up to 2 square feet to identify the manufacturer, and except for any necessary safety warning signs may also be placed.
- (13) Any mechanical building shall be limited to a maximum of 150 square feet of building floor area and a maximum height of 15 feet and shall meet required yards that would apply to a principal building.
- (14) “Land development” approval shall not be needed for the installation of one wind turbine.
- (15) The audible sound from the wind turbine shall not exceed 45 A-weighted decibels (dB(A)), as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- (16) The owner of the turbine shall completely remove all above ground structures within 12 months after the wind turbine is no longer used to generate electricity. Disturbed earth shall be re-seeded.
- (17) If a wind turbine is placed on the roof of a building, the applicant shall obtain approval from the Township Construction Official.

- (18) Subsections (4), (5) and certification by Underwriters Laboratory shall not apply to a wind turbine that is intended solely for agricultural or pond aeration purposes.”

PART 4. Solar Energy Systems.

Section 27-318.3.J. regarding Solar Energy Systems is hereby replaced with the following new text:

“J. Solar Energy Systems.

- (1) Solar Energy Systems shall be permitted by right in all zoning districts.
- (2) Solar Energy Systems may cover any building roof. Solar Energy Systems may cover any vehicle parking lot as long as setback and yard requirements are met. In addition, Solar Energy Systems may cover up to 20 percent of the lot area that is not covered by building roofs or vehicle parking lots, as long as setback and yard requirements are met.
- (3) Solar Energy Systems may extend above a building roof, provided they do not exceed the maximum allowed building height by more than 6 feet. Solar Energy Systems may extend up to 20 feet above a vehicle parking lot or the ground level, even if it would otherwise exceed the maximum allowed height for that structure.
- (4) A maximum of 5 percent of the woodland forest canopy on a lot shall be removed in order to install a Solar Energy System.
- (5) If a Solar Energy System covers more than 10,000 square feet of ground area, then primarily evergreen vegetation with an initial height of 3 feet shall be placed between ground-mounted solar collectors and any abutting dwelling.
- (6) Solar Energy Systems shall not cover more than one acre of Agricultural Capability Class 1 through 4 soils, as categorized by the U.S. Natural Resources Conservation Service, and shall not require the clear-cutting of more than one acre of woodlands.
- (7) Solar Energy Systems shall be properly maintained and shall be completely removed from land and buildings, along with any supporting structures, if they are not being used for electricity generation purposes for more than 12 months.
- (8) Solar Energy Systems shall not cause glare to enter the window of another dwelling.
- (9) Solar Energy Systems that are attached to a principal structure shall meet setbacks for a principal structure. Other Solar Energy Systems shall meet setbacks for an accessory structure.
- (10) It is recommended that Solar Energy Systems have a 3 feet setback from the edge of a roof to provide access for firefighters.”

PART 5. Springwater and Groundwater Withdrawals.

Section 27-519 is reserved for future use.

A new Section 27-520 is added to the Zoning Ordinance as follows:

“27-520. Groundwater or Spring Water Withdrawal.

1. If groundwater or spring water is proposed to be withdrawn from a site, and the withdrawal involves more than 50,000 gallons per day for off-site non-agricultural use, then special exception approval shall be required. The gallons of usage may be measured based upon

average use over a thirty-day period. The provisions of this Section 27-520 shall serve as special exception criteria, in addition to the overall special exception criteria of this Ordinance.

2. This Ordinance shall not regulate water withdrawals by a public utility, municipality or water company that provides a centralized domestic water distribution system to customers in Plainfield Township (and which may also serve neighboring municipalities). This Ordinance shall also not regulate water withdrawals for local agricultural uses or withdrawals that are recharged into the ground in Plainfield Township, such as water withdrawn for a golf course.
3. It is recognized that the Delaware River Basin Commission (DRBC) has authority to regulate many aspects of water withdrawals. As a result, the actual water withdrawal use is not limited to particular zoning districts, except the use shall be prohibited in the BMC zoning district.
4. If the water will be trucked off-site, then as part of the special exception application, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area road system to accommodate the truck traffic that will be generated. The applicant shall document the structural condition of Plainfield Township public roads and Township and County bridges that will serve as the routes by trucks from the use, including pictorial documentation, for review by the Township Engineer. The Township Engineer may require the applicant to complete a core boring of a road to show whether construction is suitable for the truck traffic.
 - A. The full burden of proof shall be upon the applicant to prove to the satisfaction of the Zoning Hearing Board that the traffic resulting from the use will be able to be safely accommodated on the road system, without causing increased congestion and without causing damage to the road surfaces. Such proof shall address the road system and bridges to show they are suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic. The Zoning Hearing Board shall have the authority to deny the application if the road system and/or bridges are not proven to be suitable for the intended use.
 - B. If it is determined that the actual structure of the roads or bridges are not able to support the proposed design loads coming from the proposed operation, and if the applicant does not commit to make improvements to the roads and bridges, then the Zoning Hearing Board may establish a condition for the applicant to establish an agreement with the Board of Supervisors to post financial security to cover the costs of damage to the public roads or bridges from the resulting trucks.
5. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any pre-existing dwelling on an adjacent lot. The Zoning Hearing Board shall have the authority to place reasonable conditions upon the hours of operation of trucking activities that are likely to create a noise nuisance for nearby dwellings.
6. Minimum lot area - 20 acres for the initial 50,000 gallons per day, plus 10 additional acres for each 50,000 gallons per day of approved capacity of withdrawal per day. A newly drilled well used for water withdrawal under this Section shall be setback a minimum of 200 feet from any lot line that is not in common ownership.

7. Any bottling, treatment or processing operations shall be considered a distinct use and shall only be allowed if granted special exception approval as a manufacturing use in the CI, I-BP or GI zoning districts.
8. As part of the special exception application, a study by a qualified professional hydro-geologist shall be submitted by the applicant to the Zoning Officer. Such study shall analyze impacts of the withdrawal upon wetlands, water supply wells, agriculture and creek levels, particularly during periods of drought. The written credentials of the person conducting the study shall be submitted to the Township. Such professional should be made available to testify before the Zoning Hearing Board. Such study is not required by this Ordinance to include any information or analysis that will not also be required to be submitted currently or at some time in the future to DEP or the DRBC.
9. If the withdrawal will need approval from DRBC, then a copy of materials required to be submitted by the applicant to the DRBC shall also be submitted to the Zoning Officer at the same time.”
10. If the water withdrawal use is not within a commercial or industrial district and will result in an average of 10 or more trucks leaving the site per day that each have a loaded vehicle gross weight of more than 40,000 pounds, then the use shall only be allowed if the truck driveway exit of the use onto a public street is within a one mile driving distance from an entrance ramp of a limited access expressway.”

PART 6. Billboards and Sign Illumination.

Section 27-606.2. regarding sign illumination is hereby replaced with the following new text:

- “2. Internally illuminated signs and digital electronic signs are prohibited in the BMC, SR and PR districts.”

In Section 27-606, the following new text is added:

- “4. Digital Signs. Where allowed, digital electronic signs may change their message from time to time, provided that each message is visible for a minimum of 8 seconds, except as follows: a) time and temperature signs may change more frequently, and b) if there is an electronically changing sign area of greater than 50 square feet, the sign shall not change its message more frequently than once every 20 seconds. The interval between message changes shall not be greater than one second, except such interval shall be 0.1 seconds if there is a sign area of greater than 50 square feet. This provision on sign timing shall not regulate signs that are not readable from a public street and that are not readable from any dwelling.

5. Maximum Luminance of Signs.

- A. Nits in this section shall mean a measure of the luminance or brightness of a sign, as measured from the sign’s face, in candelas per square meter.

- B. The brightness of a sign with an electronically changing message shall not exceed 3,500 nits during daytime hours and 150 nits during nighttime hours. The sign shall have an automatic dimming process to meet these maximum levels. Information on the illumination in nits shall be provided at the time of the permit application.
 - C. If a digital electronic sign malfunctions, it shall be designed to display a dark static image or to turn off the image.
 - D. Compliance. Compliance with the maximum luminance standard shall be certified by an independent professional after installation is complete, prior to issuance of the final permit. In case of doubt of compliance, at any time the Zoning Officer may require the owner of the sign to provide independent written proof of compliance with the luminance requirements from a qualified professional. An all-white background shall be used for the test, which shall fill the sensor of the light meter.
 - (1) The meter used for the testing shall have a current calibration.
 - (2) Measurement of the daytime luminance shall be made at least two hours after sunrise, but not less than two hours before sunset.
6. For any sign of more than 10 feet in total height above the ground, any lighting of the sign that is external to the sign that may have any light spillover beyond the sign face shall have the light fixture(s) attached to the top of the sign to shine downward, as opposed to shining upward, in order to avoid light extending into the sky.
 7. Any sign with more than 100 square feet per side of digital electronic sign area shall be setback a minimum of 1,000 feet in all directions from any other sign with more than 100 square feet per side of digital electronic sign area.
 8. Any sign with more than 100 square feet per side of digital electronic sign area shall not be illuminated between the hours of 11 PM and 6 AM, unless the sign is advertising a on-premises use that is open during those hours. The maximum sign area of a digital electronic sign shall be limited by the maximum sign area for the zoning district, provided that an existing non-conforming sign shall not be converted into a digital electronic sign.”

Section 27-610 regarding Sign Area is revised as follows:

- In Table 27-610.1, in the column labeled “VC, HI and GC district”, concerning the maximum square area of a billboard, “674” square feet is reduced to “300” square feet.
- At the end of Table 27-610.1, in footnote “d.”, section 3 is hereby replaced with the following text:
 - “3. Such sign shall be located no closer than 100 feet from a residential district and no closer than 250 feet from an existing dwelling. These setbacks shall be increased to 200 feet from a residential district and 350 feet from an existing dwelling for a digital electronic sign with a sign area of more than 100 square feet. See also separation distances in 27-606 for digital electronic signs. Stacked or side-by-side billboards are not permitted.”
- At the end of Table 27-610.1, in footnote “d.”, a new subsection 4 is added below:

“4. This Section shall not regulate the placement of “Tourist Oriented Directional Signs,” provided the signs are posted along a public street right-of-way in a manner allowed under PennDOT regulations for such signs or that are approved by the Township along a Township street. (Note – These are typically blue signs that direct motorists to various major destinations.)”

PART 7. Mineral Extraction. The following shall be added as a new Section 27-316.2.VV:

“VV.Mineral Extraction. The provisions of Section 27-320 for Mineral Extraction shall also apply when the application is a special exception use.”

Replace Section 27-320.5.E.3. with the following:

“3. A buffer yard with a minimum width of 100 feet and that meets Section 27-404.4. shall be provided around the perimeter of the use, except at approved vehicle entrances to a street. Berms required by DEP regulations may also be placed in the buffer yard, provided they do not interfere with the long-term viability of the required plantings. All structures, truck parking areas and mineral extraction activities and processing shall be setback a minimum of 200 feet from all public street rights-of-ways and lotlines, except such distance shall be increased to 300 feet from a residentially zoned lot.”

In Section 27-320.5.E.g.2., replace the existing text with the following:

“2. Setbacks. See Section E.3. above.”

Section 27-320.5.E.10. is hereby deleted because of a State preemption, and is replaced with the following:

“10. A hydrogeological study prepared by a qualified hydrogeologist shall be submitted to the Township. Such study shall examine current conditions, and describe impacts of the proposed operations.”

PART 8. Conservation Development. The following new text is added to 27-305.8.A.(5) as follows:

“However, areas that were previously specified to have reserved rights to be subdivided to create one or two new residential lots under the terms of a previous permanent agricultural or conservation easement, shall be permitted by this Section to be subdivided, provided such lots have a minimum lot area of one acre, meet minimum lot width requirements and setbacks for the zoning district, and comply with the SALDO. This provision is intended to allow these reserved lots to be subdivided, without having to subtract the easement land areas when calculating the allowed number of lots on a tract.”

PART 9. Appalachian Trail Corridor.

The following is added as a new Section 27-521:

“27-521. PROTECTION OF THE APPALACHIAN TRAIL CORRIDOR.

1. Purposes.

- A. To meet requirements of Act 24 of 2008, which requires that Pennsylvania municipalities along the Appalachian National Scenic Trail take action, consistent with applicable law, to preserve the natural, scenic, historic, and aesthetic values of the Trail and to conserve and maintain the Trail corridor as a public natural resource.
- B. To protect important natural and historic resources by maintaining a natural resource buffer along the Appalachian Trail. This natural resource buffer is intended to provide a physical and visual screen from the impacts of new development along the Appalachian Trail corridor.
- C. To preserve the scenic and topographic conditions along the Appalachian Trail that are vital to the Trail’s natural and scenic quality by maintaining the existing tree canopy and protecting viewsheds.
- D. To prevent negative noise, light, or other environmental impacts associated with land uses near the Appalachian Trail.
- E. To promote community benefits to communities along the Appalachian Trail, including improving community health and increasing recreational opportunities.

2. Applicability. For any lot or portion thereof within the Appalachian Trail National Scenic Trail Overlay District, the regulations of the underlying zoning district shall continue to be in effect, except the regulations of the Overlay District shall take precedence over any zoning regulations which are in direct conflict with those of the Overlay District. The Overlay District shall consist of the Primary Conservation Zone and the Secondary Conservation Zone, as described below.

3. Primary Conservation Zone. A lot located within the Primary Conservation Zone (as delineated below) shall be used only in accordance with the following regulations.

- A. Delineation. The Primary Conservation Zone shall include lands as shown on the attached “Appalachian Trail Conservation Overlay Districts” Map. The attached map is dated December 2018. Where such boundary is not depicted on the map as following an existing lot line or the centerline of a road, the boundary shall include land within a minimum width of 1,000 feet from the “Exterior Corridor Boundary Survey,” as approved by the National Park Service for the Appalachian National Scenic Trail. For the purposes of this Section 27-521, such boundary shall be the edge of lands that are owned by the National Park Service or that are protected by a conservation easement by the National Park Service. For the purposes of this Section 27-521, such boundary shall not include lands or easements acquired after January 1, 2010. Along segments of the Appalachian Trail where an Exterior Corridor Boundary Survey has not been completed, or within lands owned by the Pennsylvania Game Commission, the Primary Conservation Zone shall be 1,500 feet from the centerline of the Appalachian Trail.

- B. Buildings. A new building with a building footprint of more than 150 square feet shall not be allowed within 500 feet from the “Exterior Corridor Boundary Survey” boundary or 1,000 feet from the centerline of the Appalachian Trail where an Exterior Corridor Boundary Survey has not been completed.
 - C. Prohibited Activities. The following activities are specifically prohibited within the Primary Conservation Zone, except for improvements necessary to provide public water supply facilities:
 - (1) Clearcutting of trees with a diameter at breast height of 8 inches or more, other than: (i) maintenance by a federal, state, or municipal agency or a Trail Club that is partnered with the Appalachian Trail Conservancy (ATC), and (ii) permissible timber harvesting or tree cutting as authorized in Sections 27-518 and 27-519.
 - (2) Storage of hazardous materials, except for types and amounts typically found in a one family home.
 - (3) Construction of parking lots of 3 or more parking spaces, except for federal, state, or municipally-owned lots or spaces necessary to serve existing adjacent lawful uses, or as authorized by the federal agency responsible for the maintenance of the Trail or adjacent land.
 - (4) Installation of a new communications tower (except as may be allowed under Section 27-315.8.A.) or wind turbine.
 - (5) Uses involving mineral extraction, groundwater extraction (except as part of an existing Public Utility Commission-regulated water system), a natural gas compressor station, or solar energy facilities covering more than 1,000 square feet of ground area.
 - (6) Development of any lot that results in an impervious coverage of greater than 5,000 square feet on a lot.
4. Secondary Conservation Zone. A lot or property located within the Secondary Conservation Zone as herein delineated shall be used only in accordance with the following regulations.
- A. Delineation. The Secondary Conservation Zone shall include lands as shown on the “Appalachian Trail Conservation Overlay Districts Map. Where the boundary does not follow a lot line, centerline of a road or another dimension on the map, the Zone shall include land within a minimum width of 1,500 feet from the edge of the Primary Conservation Zone, but not including land within the Primary Conservation Zone.
 - B. Allowed Uses. The allowed uses of the underlying zoning district shall apply, except as provided in Section “C” below.
 - C. Prohibited Activities. The following activities are specifically prohibited within the Secondary Conservation Zone, except for improvements necessary to provide public water supply facilities:
 - (1) Clearcutting of trees with a diameter at breast height of 8 inches or more, other than: (i) maintenance by a federal, state or municipal agency or a Trail Club that is

partnered with the Appalachian Trail Conservancy (ATC), and (ii) as may be approved under timber harvesting or tree cutting provisions in Section 27-518 and 27-519.

- (2) Storage of hazardous materials, beyond types and amounts typically found in a one family home.
- (3) Construction of parking lots of 5 or more parking spaces, except for federal, state, county or municipally-owned lots, or spaces necessary to serve existing adjacent lawful uses, or as authorized by the federal agency responsible for the maintenance of the Trail or adjacent land.
- (4) Development of any lot that results in an impervious coverage of greater than 20 percent or 10,000 square feet within the Secondary Conservation Area, whichever is less restrictive.
- (5) Uses involving mineral extraction, the surface point of groundwater or spring water extraction (except as part of an existing Public Utility Commission-regulated water system), a natural gas compressor station, or solar energy facilities covering more than 1,000 square feet of ground area.

5. Development Standards for the Primary Conservation Zone. Any use or development of a lot within the Primary Conservation Zone shall comply with the following development standards:

- A. New buildings shall be screened with landscaping (native species are preferred) or using preserved trees from view of the Appalachian Trail and shall be located on the site in such a way that best preserves viewsheds from the Appalachian Trail.
- B. Any building should be sited in the least visually prominent location of a site. The use of earth tone colors is encouraged, while avoiding highly reflective roofs.
- C. Any building should not be located at the top of a ridgeline, unless no other alternative location is feasible. Where a building is located at the top of a ridgeline, the highest portions of the building should be at less visible locations.
- D. It is recommended to use earth-tone colors in exterior building materials and low-reflective roofing materials.
- E. Timbering and Tree Removal - See Sections 27-518 and 27-519.
- F. Steep Slope Requirements - See Section 27-503.
- G. Light and Noise Requirements - See Sections 27-511 and 27-514.

6. Submissions and Review Process. In addition to the standard process for applications for permits and approvals under this Ordinance, the following additional information shall be provided on applications for a proposed use, development or regulated activity that is on a lot that is entirely or partially within a Primary Conservation Zone and/or the Secondary Conservation Zone.

- A. When a Site Plan is required by this Ordinance, the following additional information is needed:
 - (1) Existing and proposed man-made and/or natural features: (1) Water courses (with names), lakes and wetlands; (2) Rock outcrops, ledges and stone fields; (3) Proposed buildings, structures and signs, with setbacks required by the Zoning

- Ordinance; (4) Locations of woodlands proposed to remain or be removed; (5) Stormwater management facilities; and (6) Plans for any required buffer plantings.
- (2) Applicants shall accurately show the alignment of the Appalachian Trail and existing protected lands. This should include the Trail alignment placed over an aerial photo or a site plan. Note - The Trail alignment is available online from the Appalachian Trail Communities Network website.

7. Wireless Communications Facilities. See Section 27-315.”

PART 10. Noise Control.

In Section 27-511, under the column “Receiving Land Use Category”, for the row that begins with “Residential”, add the following: “Public Recreation Lands and Trails.”

PART 11. Commercial Outdoor Recreation.

In Section 27-316.2.N. and 27-317.5.P., add the following new provisions under “Commercial Outdoor Recreation”:

- “(3) This term shall not allow a motor vehicle race track or any use that involves off-road operations of motor vehicles at more than 25 miles per hour.”

PART 12. Mobile/Manufactured Home Installation.

The following change is made to be consistent with State regulations. In Section 27-316.2.BB, the words “shall be placed on a permanent foundation as described below” are replaced with the following new wording:

“A Mobile/Manufactured Home shall be installed in full compliance of State installation requirements for manufactured home installation, which typically requires compliance with the manufacturer’s recommended installation instructions, in addition to applicable provisions of the Construction Codes. If the manufacturer’s instructions are not available or are determined by the Construction Codes Official to be outdated and insufficient, then the following installation requirements shall apply:”

PART 13. Planned Residential Developments.

All references to or allowances of “Planned Residential Developments” in the Zoning Ordinance are hereby deleted, including but not limited to: Sections 27-307.2.G., 27-307.6.C., 316.2.GG, and 308.2.H.

PART 14. Conditional Use and Special Exception Standards.

The following is added to Section 27-317.3.A.(2): “If specific standards for a use are not listed in this Section 27-317, but are listed for a use in Section 27-320, then the specific standards in Section 27-320 shall apply for the special exception approval.”

The following is added to Section 27-320.3.A.(2): “If specific standards for a use are not listed in this Section 27-320, but are listed for a use in Section 27-317, then the specific standards in Section 27-317 shall apply for the conditional use approval.”

PART 15. Wireless Communications Facilities.

The following is added as a new 27-315.8.:

- “8. Wireless Communications Facilities. New Wireless Communications Facilities are specifically prohibited within the BMC zoning district, except for the addition or replacement of antenna on an existing tower, where the applicant proves to the Zoning Officer that such addition or replacement is required to be allowed under applicable federal regulations. In addition, existing lawful wireless communications facilities may be replaced in kind, where the new facilities are not taller, longer or greater in number than the existing facilities.
- A. As a special exception use, the Zoning Hearing Board may approve a change to an existing Wireless Communications Facility, such as a taller height or a greater number of antennae, if the applicant proves to the satisfaction of the Board that: a) the change in an existing Facility will allow the removal of another existing Wireless Communications Facility in the BMC district through a consolidation, and b) the changes to the existing Facility will not have significant negatively impacts upon public recreation along the Appalachian Trail Corridor.”

PART 17. Transfer of Development Rights.

In Section 27-411.2.E., the following new text is added:

- “(4) BMC District. In addition to the Sending Area provisions for the FF district, land within the BMC district may be used as a Sending Area, provided the tract consists of a minimum of 10 contiguous acres, after deleting all of the following: wetlands, 100 year floodplains and areas with 25 percent or greater slope. For each 10 acres meeting such criteria which is then preserved by a permanent conservation easement, one dwelling unit may be built within a Receiving Area.”

PART 18. Setbacks from Pipelines.

A new Section 27-322 is added as follows:

“27-322 Setbacks from Pipelines and Natural Gas Compressor Stations.

1. Applicability. These pipeline setbacks shall apply for proposed new uses from the right-of-way of a Regulated Pipeline. A Regulated Pipeline is an existing pipeline or a proposed pipeline that has been processed to the point of the advertisement for the final Federal Energy Regulatory Commission public hearing. These setbacks shall apply from a transmission or storage pipeline with an inside diameter of 12 inches or more, but shall not require setbacks from distribution pipelines that directly serve individual users. These setbacks shall only apply from a pipeline that is designed to carry or store petroleum products, natural gas, or hazardous

and/or potentially explosive substances. These setbacks shall apply unless a larger setback is required by another Township requirement.

2. A new dwelling unit shall not be located within 200 feet from the right-of-way of a Regulated Pipeline.
3. A new or expanded prison, nursing home, personal care center, assisted living center, child day care center, adult day care center, hospital, school or closely similar use that does not allow persons to self-evacuate shall be setback a minimum of 600 feet from the right-of-way of a Regulated Pipeline.
4. A structure or tank used for the bulk storage of potentially explosive materials shall be setback a minimum of 500 feet from the right-of-way of a Regulated Pipeline. This provision shall not apply to customarily accessory tanks for cooking or heating of an on-site building.
5. Any other new principal building that is not addressed by subsections 2, 3 or 4 above shall be setback a minimum of 100 feet from the right-of-way of a Regulated Pipeline.
6. A new natural gas compressor station shall be setback a minimum of 750 feet from an existing dwelling and a minimum of 500 feet from a residential district, and shall only be allowed as a conditional use in the CI, I-BP or GI districts.
7. Plainfield Township and its officials and consultants do not provide any guarantee that the setbacks in this section are sufficient to protect public health and safety. Persons proposing to construct a use within proximity to a pipeline are encouraged to provide additional setbacks and to consult research on the subject. (Note - One example of available research is available at <https://www.nap.edu/read/11046/chapter/10>, which includes a chart of expected hazard radii in Figure D-1.) ”

PART 19. Severability.

The provisions of this Ordinance Amendment shall be severable, and if any provisions hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance Amendment. It is hereby declared as a legislative intent of the Township that all other portions this Ordinance Amendment would have been adopted, if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

PART 20. Repealer.

All portions of Township Ordinances that were adopted prior to this Ordinance and are in conflict with this Ordinance Amendment are hereby repealed, including, but not limited to Ordinance No. 357.

PART 21. Enactment:

This Ordinance Amendment shall become effective five calendar days after passage by the Board of Supervisors.

ENACTED AND ORDAINED into an Ordinance this 11th day of September, 2019, in lawful session duly assembled.

ATTEST:

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS**

Thomas Petrucci, Township Manager

By: _____
Randy Heard, Chairman

By: _____
Glenn Borger, Vice Chairman

By: _____
Jane Mellert

By: _____
Stephen Hurni

By: _____
Joyce Lambert

CERTIFICATION

I, Thomas R. Petrucci, duly qualified Secretary of the Township of Plainfield, Northampton County, PA, hereby certify that the forgoing is a true and correct copy of an Ordinance duly adopted by a majority vote of the Plainfield Township Board of Supervisors at a regular meeting held on September 11, 2019 and that said Ordinance has been recorded in the Minutes of the Township of Plainfield and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Township of Plainfield, this 11th day of September, 2019.

Thomas R. Petrucci, Township Manager/
Secretary

CERTIFICATION/ATTESTATION

I, Thomas R. Petrucci, duly qualified Township Manager/Secretary of the Township of Plainfield, Northampton County, PA, hereby certify that the forgoing is a true and correct copy of a draft Ordinance that will be considered for adoption at the September 11, 2019 regular Board of Supervisors meeting.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Township of Plainfield, this 30th day of July, 2019.



Thomas R. Petrucci, Township Manager/
Secretary

