

DALLAS TOWNSHIP
ORDINANCE NO. _____ OF 2011

AN ORDINANCE AMENDING THE DALLAS ZONING ORDINANCE OF JUNE 17, 2008, AS AMENDED

SECTION 1

ARTICLE 2 - DEFINITIONS

Article 2, Definitions is hereby amended as follows:

The term “**COMMERCIAL COMMUNICATION TOWER**” which currently reads as follows:

COMMERCIAL COMMUNICATION TOWER

A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support a Commercial Communication Antenna.

IS HEREBY AMENDED TO READ AS FOLLOWS:

COMMERCIAL COMMUNICATION TOWER:

A structure other than a building which extends more than ten feet from the natural surface of the ground and is used for business purposes and/or to support a Commercial Communication Antenna.

The term “**EXCAVATION AND EXTRACTION OF MINERALS**”: which currently reads as follows:

EXCAVATION AND EXTRACTION OF MINERALS:

The removal or recovery by any means whatsoever of minerals, as so defined in this Ordinance from land or water, on or above the surface thereof, or beneath the land surface whether exposed or submerged. It shall include the incidental screening, washing, crushing and grading of materials originating on the site, and mineral processing as an accessory use.

IS HEREBY AMENDED TO READ AS FOLLOWS:

EXCAVATION AND EXTRACTION OF MINERALS:

The removal or recovery by any means whatsoever of minerals, from land or water, on or above the surface thereof, or beneath the land surface whether exposed or submerged. It shall include the incidental screening, washing, crushing and grading of materials originating on the site, and mineral processing as an accessory use. Oil and/or natural gas, while classified as a mineral under the definition of the term “Minerals” as so defined in this Ordinance, shall be excluded from this definition and shall be subject to specific regulations as set forth in Article 8, Supplemental Regulations, of this Ordinance.

The term “**INDUSTRY, HEAVY**” which currently reads as follows:

INDUSTRY, HEAVY:

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

IS HEREBY AMENDED TO READ AS FOLLOWS:

INDUSTRY, HEAVY:

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, excluding oil and/or gas development, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions and having potential to produce noise, dust, glare, odors or vibration beyond its property line.

The term “**STRUCTURE**”: which currently reads as follows:

STRUCTURE:

Any man-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land.

IS HEREBY AMENDED TO READ AS FOLLOWS:

STRUCTURE:

Any man-made object, having an ascertainable stationary location on or in land or water, whether or not it is affixed to the land.

SECTION 2

ARTICLE 2 - DEFINITIONS

Article 2, Definitions is hereby amended to include the following terms which shall read as follows:

ANCILLARY FACILITY OF OIL OR GAS DEVELOPMENT:

Ancillary Facilities of Oil or Gas Development shall include Compressors, Oil or Gas Compressor Stations, Oil or Gas Metering Stations and Oil or Gas Processing Facilities.

COMPRESSOR:

A device that raises the pressure of oil and natural gas and/or by products. Compressors are any devices that create a pressure differential to move or compress a liquid, vapor, or a gas. Any such device used alone or in series to adequately compress a gas is considered a compressor.

FACILITY:

A structure or place which is built, installed, or established to serve a particular purpose.

HYDRAULIC FRACTURING:

The underground injection of fluids and other agents which create, enlarge or maintain fractures in subsurface rock to enable, improve or accelerate the recovery of oil, gas, or geothermal energy.

HYDRAULIC FRACTURING WATER WITHDRAWAL FACILITY:

A facility or facilities which may include, but which is not limited to, wells, submerged suction lines, pumps, water mains, multiple hydrants, a truck loading or staging area, and/or water storage tanks, which extracts or removes water from a surface or groundwater system or resource and/or stores such water for use in or to assist with Hydraulic Fracturing efforts.

HYDRAULIC FRACTURING WATER TREATMENT FACILITY:

A facility or equipment used for removing and/or treating the waste generated in the process of Hydraulic Fracturing in order to extract natural gas and/or remove chemicals, compounds and radionuclides from the wastewater prior to storing or transporting said waste off-site for reuse or discharge. Such a facility shall contain equipment and improvements which may include, but which are not limited to, a multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge, dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

OIL AND GAS ACT:

Pennsylvania's Oil and Gas Act, 58 P.S. §601.101 et. seq., as it has been or may be amended from time to time.

OIL OR GAS COMPRESSOR STATION:

Any device, facility or use that increase(s) the pressure of a liquid, vapor or gas in a pipeline or other containment, for purposes including but not limited to the transportation of the liquid, vapor or gas within a pipeline.

OIL OR GAS DEVELOPMENT:

This term shall include the well site preparation, construction, drilling, redrilling, Hydraulic Fracturing, and/or site restoration associated with an Oil or Gas Well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil or Gas Pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. Notwithstanding the forgoing, Oil and Gas Development shall not include any ancillary facilities or activities including but not limited to: Oil and Gas Compressor Stations, Oil and Gas Metering Stations Oil and Gas Facilities, and off-site Oil and Gas Pipelines.

OIL OR GAS METERING STATIONS:

A facility containing equipment including, but not limited to, gauges, valves and/or communications equipment, which regulates and/or measures the volume, pressure, and other characteristics of oil and/or natural gas in, entering or exiting an Oil or Gas Pipeline.

OIL OR GAS PIPELINES:

All parts of those fixed location physical facilities through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, except those above-ground structures otherwise regulated under this Ordinance.

OIL OR GAS PROCESSING FACILITY:

Any facility other than an Oil or Gas Compressor Station or Oil or Gas Metering Station which alters the chemical or physical properties of oil or natural gas or refines oil or natural gas and segments it into distinct commodities.

OIL OR GAS WATER REUSE STORAGE FACILITY:

Tanks of any construction (metal, fiberglass, concrete, etc.) and impoundments used for the storage of Hydraulic Fracturing wastewater and/or water that has been used in Oil or Gas Development and is being reused.

OIL OR GAS WELL:

Any well drilled for the purpose of, or capable of being used to, extract gas, petroleum or other liquid related to oil or gas production from beneath the surface of the earth.

OIL OR GAS WELL OPERATOR:

The person designated as the well operator on the permit application or well registration.

OIL OR GAS WELL OWNER:

A person, who owns, manages, leases, controls or possesses an oil or gas well.

OIL OR GAS WELL SITE:

A specifically defined location with fixed dimensions which may include facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction drilling or production of an Oil or Gas Well as further identified in any application submitted to or approved by the Pennsylvania Department of Environmental Protection.

PROTECTED USE OR PROTECTED STRUCTURE:

Any Place of Worship, Public Use, Public Building, School, College, or Healthcare Facility. This term shall not apply to accessory buildings, garages, or storage buildings.

ROAD-INTENSIVE USES:

The following Conditional Uses shall be deemed to be ROAD-INTENSIVE USES:

- Ancillary Facilities of Oil Or Gas Development
- Hydraulic Fracturing Water Treatment Facility
- Hydraulic Fracturing Water Withdrawal Facility
- Oil or Gas Compressor Station
- Oil or Gas Well Site
- Solid Waste Facility
- Forestry activities which include timbering

Any party that owns, operates, manages or otherwise controls a Road-intensive Use shall be designated a “Road-intensive Use Operator”.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:

The Dallas Township Subdivision and Land Development Ordinance as enacted on July 3, 2007, as it has been or may be amended from time to time.

WATER IMPOUNDMENT, FRESH:

A depression, excavation, pit, or facility situated in or upon the ground at an Oil or Gas Well Site, Hydraulic Fracturing Water Treatment Facility or Hydraulic Fracturing Water Withdrawal Facility, whether natural or artificial and whether lined or unlined, used to store fresh water for uses related to Oil or Gas Development.

WATER IMPOUNDMENT, WASTE:

A depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial and whether lined or unlined, used to store waste water including but not limited to brine, fracturing fluid or residual waste.

SECTION 3

ARTICLE 5, ZONING DISTRICT REGULATIONS

Article 5, Zoning District Regulations is hereby amended to include the term “Oil or Gas Pipelines” as a Conditional Use within all Zoning Districts of Dallas Township as noted below:

- C-1 CONSERVATION DISTRICT
- A-1 AGRICULTURAL DISTRICT
- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 MULTIFAMILY RESIDENTIAL DISTRICT
- S-1 SUBURBAN RESIDENTIAL
- B-1 NEIGHBORHOOD BUSINESS DISTRICT
- B-2 HIGHWAY BUSINESS DISTRICT
- I-1 GENERAL INDUSTRIAL DISTRICT
- PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

SECTION 4

ARTICLE 5, ZONING DISTRICT REGULATIONS

ARTICLE 5, ZONING DISTRICT REGULATIONS

Article 5, Zoning District Regulations is hereby amended to include the following terms as a Conditional Use within the A-1 District:

ANCILLARY FACILITIES OF OIL OR GAS DEVELOPMENT:

COMPRESSOR

HYDRAULIC FRACTURING WATER WITHDRAWAL FACILITY:

HYDRAULIC FRACTURING WATER TREATMENT FACILITY:

OIL OR GAS PIPELINES

OIL OR GAS WELL SITES

WATER IMPOUNDMENT, WASTE

SECTION 5

ARTICLE 7, CONDITIONAL USES

Article 7, Conditional Uses, Section 705, Classified Conditional Uses which currently reads as follows:

SECTION 705 **CLASSIFIED CONDITIONAL USES**

The following uses/developments are classified as conditional uses within Article 5 of this Ordinance:

C-1, Conservation District

- Campgrounds and Recreational Vehicle Parks
- Commercial Communication Tower and related facilities
- Excavation and extraction of minerals
- Golf Courses
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception, excluding agricultural uses, shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

A-1, Agricultural District

- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Commercial Communication Tower and related facilities
- Planned Residential Development
- Wind Energy Facility (as defined in Article 2)
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception, excluding agricultural uses, shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

R-1, Single Family Residential

- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

R-2, Multifamily Residential District

- Mobile Home Parks (Homes on permanent foundations)
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

S-1, Suburban Residential District

- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

B-1, Neighborhood Business District

- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which

equals or exceeds fifteen (15,000) square feet of buildings, structures and/or other impervious surface area.

B-2, Highway Business District

- Shopping Center
- Small Wind Energy Conversion System

- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.

 - (b) the initial or cumulative construction, placement or installation which equals or exceeds twenty-five thousand (25,000) square feet of buildings, structures and/or other impervious surface area.

I-1, Industrial District

- Automotive Wrecking Yards
- Bulk Fuel Storage
- Detention Facility
- Excavation and extraction of minerals, including Quarry Operations (as defined in Article 2)
- Heavy Industrial Uses (as defined in Article 2)
- Junk Yards
- Methadone Treatment Facility
- Sewage Treatment Plants
- Sexually Oriented Business (as defined in Article 2)
- Small Wind Energy Conversion System
- Solid Waste Facilities
- Staging Areas
- Transfer Stations
- Trucking Facilities and Terminals

Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:

- (a) the initial or cumulative earth disturbance activity which equals or exceeds 100,000 square feet of surface area.

- (b) the initial or cumulative construction, placement or installation which equals or exceeds thirty thousand 30,000 square feet of buildings, structures and/or other impervious surface area.

- (c) Any use which utilizes and/or stores any hazardous substances as so defined in Article 2 of this Ordinance.

IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 705 CLASSIFIED CONDITIONAL USES

The following uses/developments are classified as conditional uses within Article 5 of this Ordinance:

SECTION 705 CLASSIFIED CONDITIONAL USES

The following uses/developments are classified as conditional uses within Article 5 of this Ordinance:

C-1, Conservation District

- Campgrounds and Recreational Vehicle Parks
- Commercial Communication Tower and related facilities
- Excavation and extraction of minerals
- Golf Courses
- Oil or Gas Pipelines
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception, excluding agricultural uses, shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

A-1, Agricultural District

- Ancillary Facilities of Oil Or Gas Development
- Excavation and extraction of minerals, excluding Quarries, (as defined in Article 2)
- Commercial Communication Tower and related facilities
- Hydraulic Fracturing Water Treatment Facility
- Hydraulic Fracturing Water Withdrawal Facility
- Planned Residential Development
- Oil or Gas Pipelines
- Oil or Gas Well Site
- Wind Energy Facility (as defined in Article 2)
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception, excluding agricultural uses, shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which

equals or exceeds 15,000 square feet of buildings, structures and/or other impervious surface area.

R-1, Single Family Residential

- Oil or Gas Pipelines
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

R-2, Multifamily Residential District

- Oil or Gas Pipelines
- Mobile Home Parks (Homes on permanent foundations)
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

S-1, Suburban Residential District

- Oil or Gas Pipelines
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen thousand (15,000) square feet of buildings, structures and/or other impervious surface area.

B-1, Neighborhood Business District

- Oil or Gas Pipelines
- Small Wind Energy Conversion System

- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds fifteen (15,000) square feet of buildings, structures and/or other impervious surface area.

B-2, Highway Business District

- Oil or Gas Pipelines
- Shopping Center
- Small Wind Energy Conversion System
- Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:
 - (a) the initial or cumulative earth disturbance activity which equals or exceeds 80,000 square feet of surface area.
 - (b) the initial or cumulative construction, placement or installation which equals or exceeds twenty-five thousand (25,000) square feet of buildings, structures and/or other impervious surface area.

I-1, Industrial District

- Automotive Wrecking Yards
- Bulk Fuel Storage
- Detention Facility
- Excavation and extraction of minerals, including Quarry Operations (as defined in Article 2)
- Heavy Industrial Uses (as defined in Article 2)
- Junk Yards
- Methadone Treatment Facility
- Oil or Gas Pipelines
- Sewage Treatment Plants
- Sexually Oriented Business (as defined in Article 2)
- Small Wind Energy Conversion System
- Solid Waste Facilities
- Staging Areas
- Transfer Stations
- Trucking Facilities and Terminals

Any nonresidential use permitted by right or by special exception shall be deemed a conditional use if it involves either of the following:

- (a) the initial or cumulative earth disturbance activity which equals or exceeds 100,000 square feet of surface area.
- (b) the initial or cumulative construction, placement or installation which equals or exceeds thirty thousand 30,000 square feet of buildings, structures and/or other impervious surface area.
- (c) Any use which utilizes and/or stores any hazardous substances as so defined in Article 2 of this Ordinance.

PRD, Planned Residential Development District

- Oil or Gas Pipelines

SECTION 6

ARTICLE 7, CONDITIONAL USES

Article 7, Conditional Uses, Section 706, Environmental Impact Statement which currently reads as follows:

SECTION 706 ENVIRONMENTAL IMPACT STATEMENT

In addition to all other requirements, an Environmental Impact Statement shall be required for any use/development which is classified as a conditional use. The Board of Supervisors, at its sole discretion, may exempt a use from the submission of an Environmental Impact Statement, in whole or in part. Consideration of an exemption must be preceded by a written request submitted by the applicant which addresses the basis for the requested exemption. The purpose of the Environmental Impact Statement is to disclose the environmental consequences of a proposed action. This requirement is designed to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of any kind, flooding and waste disposal. The intent is to preserve trees and vegetation, to protect water courses, air quality, aquifers and the quality of life throughout Dallas Township and its environs. An Environmental Impact Statement shall include a response to the following items and said proposed use/development shall further comply with all other applicable standards and requirements of this Ordinance.

IS HEREBY AMENDED TO READ AS FOLLOWS:

In addition to all other requirements, an Environmental Impact Statement shall be required for any use/development which is classified as a conditional use. The Board of Supervisors, at its sole discretion, may exempt a use from the submission of an Environmental Impact Statement, in whole or in part. Consideration of an exemption must be preceded by a written request submitted by the applicant which addresses the basis for the requested exemption. The purpose of the Environmental Impact Statement is to identify, disclose and discuss all potential environmental consequences in any way related to the proposed activity/use or reasonably foreseeable and related to the proposed activity/use. This requirement is designed to protect the natural and manmade or human environment with respect to water quality, water supply, soil

erosion, pollution of any kind, flooding and waste disposal. The intent is also to preserve trees and vegetation, to protect water courses, wetlands, water resources, aquifers, air quality and the quality of life throughout Dallas Township and its environs. An Environmental Impact Statement shall require a site plan which illustrates the applicable information for subjects addressed in Section 706.1 through and including Section 706.13 and/or a written response as applicable for said proposed use/development which is classified as a Conditional Use. Said proposed use/development shall further comply with all other applicable standards and requirements of this Ordinance.

SECTION 7

ARTICLE 7, CONDITIONAL USES

Article 7, Conditional Uses, is hereby amended to delete the following Sections in their entirety:

SECTION 707	SOLID WASTE FACILITY
SECTION 708	EXCAVATION AND EXTRACTION OF MINERALS, INCLUDING QUARRIES
SECTION 709	WIND ENERGY FACILITY
SECTION 710	SMALL WIND ENERGY CONVERSION SYSTEM (“Small WECS”)
SECTION 711	JUNKYARDS AND/OR AUTOMOTIVE WRECKING YARDS
SECTION 712	SEXUALLY ORIENTED BUSINESS
SECTION 714	COMMERCIAL COMMUNICATION TOWER
SECTION 716	MOBILE HOME PARKS
SECTION 717	TRUCKING FACILITIES
SECTION 718	CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS
SECTION 719	DETENTION FACILITIES

SECTION 8

The current version of Article 8, Supplemental Regulations, which is attached hereto and made a part hereof as Exhibit A is repealed in its entirety.

SECTION 9

The new version of Article 8, Supplemental Regulations, which is attached hereto and made a part hereof as Exhibit B adopted in its entirety.

SECTION 10

Article 15, Zoning Hearing Board, Section 1509.2, Provisions for Granting A Variance, which currently reads as follows:

1509.2 PROVISIONS FOR GRANTING VARIANCES

The Zoning Hearing Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

IS HEREBY AMENDED TO READ AS FOLLOWS:

1509.2 CRITERIA FOR GRANTING A VARIANCE

The Zoning Hearing Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the

neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
6. Unless approved as part of the variance request, an applicant for a proposed use or development shall comply with any applicable standards and/or criteria as set forth in Article 8, Supplemental Regulations.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 11

Article 15, Zoning Hearing Board, Section 1510.2, Provisions for Granting a Special Exception Approval, which currently reads as follows:

1510.2 PROVISIONS FOR GRANTING A SPECIAL EXCEPTION APPROVAL

The Zoning Hearing Board shall hear and decide requests for uses and/or development which are permitted as special exception uses. Special exception uses may be referred to the Planning Commission for its review, comments and recommendations prior to final action by the Board. The Board shall grant approval only upon the determination that the proposed use and/or development conforms with all applicable standards and provisions within this Ordinance and the following expressed standards and criteria:

1. The proposed use shall not jeopardize Community Development Objectives as set forth in this Ordinance and the Dallas Township Comprehensive Plan, including any updates, revisions and/or amendments thereto.
2. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
3. Existing streets and proposed access to the site shall be adequate regarding the width and pavement for emergency service vehicles.
4. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion, and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
5. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.
6. The proposed use shall not substantially impair the value of other property in

the neighborhood where it is proposed to be located.

7. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.
8. The submission of any reports and/or studies, required by the Zoning Hearing Board within the context of the definition "Impact Analysis" as contained defined in Article 2 of this Ordinance, which conclusively demonstrates that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Zoning Hearing Board, in requiring such reports and/or studies.
9. The proposed use and/or development shall not be injurious to the public interest.

In granting approval, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

IS HEREBY AMENDED TO READ AS FOLLOWS:

1510.2 CRITERIA FOR GRANTING A SPECIAL EXCEPTION APPROVAL

The Zoning Hearing Board shall hear and decide requests for uses and/or development which are permitted as special exception uses. The Board shall grant approval only upon the determination that the proposed use and/or development conforms with all applicable standards and provisions within this Ordinance and the following expressed standards and criteria:

1. The proposed use shall not jeopardize Community Development Objectives as set forth in this Ordinance and the Dallas Township Comprehensive Plan, including any updates, revisions and/or amendments thereto.
2. Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use and/or development.
3. Existing streets and proposed access to the site shall be adequate regarding the width and pavement for emergency service vehicles.
5. The proposed use shall not adversely affect the public health, safety and welfare due to changes in traffic conditions. Existing streets and proposed access to the site shall be adequate to accommodate anticipated traffic volumes in a manner that avoids undue traffic congestion, and provides for the safety and convenience of pedestrian and vehicular traffic. The proposed use shall not result in unsafe or dangerous traffic conditions.
5. The proposed use shall be compatible with adjoining development and the character of the zoning district and neighborhood in which it is proposed to be located. The nature and intensity of the operation of the proposed use shall be considered regarding its compatibility or lack thereof.

6. The proposed use shall not adversely affect neighborhood property values and aesthetic characteristics in the neighborhood where it is proposed to be located.
7. The proposed use shall not adversely affect the public health, safety and welfare as related to drainage, air quality, noise and natural features of the land. The proposed use and/or development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the subject Zoning District.
8. The submission of any reports and/or studies, required by the Zoning Hearing Board within the context of the definition "Impact Analysis" as contained defined in Article 2 of this Ordinance, which conclusively demonstrates that the proposed use or development will not have a negative impact upon the particular subject or subjects as defined by the Zoning Hearing Board, in requiring such reports and/or studies.
9. The proposed use and/or development shall comply with any applicable standards and/or criteria as set forth in Article 8, Supplemental Regulations.
10. The proposed use and/or development shall not be injurious to the public interest.

In granting approval, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 12

ALL OTHER ORDINANCES, OR PARTS THEREOF, WHICH ARE INCONSISTENT OR IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH BEING INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

SECTION 13

ALL OTHER ORDINANCES, OR PARTS THEREOF, WHICH ARE INCONSISTENT OR IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH BEING INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

SECTION 14

IF ANY ARTICLE, SECTION, SUBSECTION, PARAGRAPH, SENTENCE OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON DECLARED TO BE INVALID, ILLEGAL OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINING PROVISIONS SHALL BE UNAFFECTED BY SAID DECLARATION. IT IS THE INTENTION OF THE DALLAS TOWNSHIP BOARD OF SUPERVISORS THAT THIS ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL, ILLEGAL OR INVALID PART NOT BEEN INCLUDED.

THIS ORDINANCE SHALL BECOME EFFECTIVE FROM THE 5TH DAY
FOLLOWING ITS ENACTMENT.

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF DALLAS
TOWNSHIP COUNTY, PENNSYLVANIA, THIS 24TH DAY OF OCTOBER, 2011.

CHAIRMAN

VICE- CHAIRMAIN

SECRETARY

ATTEST:

TOWNSHIP SECRETARY