

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 433

AN ORDINANCE, AMENDING CHAPTER 205 OF THE CODE OF THE TOWNSHIP OF EAST NORRITON (ALSO KNOWN AS THE ZONING ORDINANCE OF EAST NORRITON TOWNSHIP), PROVIDING NEW DEFINITIONS AND PROVISIONS FOR FORESTRY, MINING AND MINERAL EXTRACTION USE WITHIN THE TOWNSHIP AND INCORPORATING THE MANDATORY PROVISIONS OF ACTS 67 AND 68 OF 2000 (AMENDMENTS TO THE MUNICIPALITIES PLANNING CODE) AND REPEALING ANY INCONSISTENT PROVISIONS THEREWITH

WHEREAS, the Legislature of Pennsylvania amended the Municipalities Planning Code by the adoption of Act 67 and Act 68 of 2000 (hereinafter referred to as "Amendments"), which amendments have mandated that local municipalities incorporate certain provisions into the local zoning ordinances on the specific land uses of "forestry", "mining" and "mineral extraction" to permit those uses within local municipalities, subject to reasonable regulations; and

WHEREAS, the Board of Supervisors intends to implement the mandatory provisions of the Amendments as required by the statutes and desires to repeal any inconsistent provisions of the existing Zoning Ordinance of East Norriton Township;

NOW, THEREFORE, BE IT ENACTED and ORDAINED and it is hereby **ENACTED and ORDAINED** by the Board of Supervisors of East Norriton Township as follows:

SECTION ONE. A new Section to be known as Section 205-21.2 is adopted to provide as follows:

Section 205-21.2. Forestry.

Forestry, as defined in Section 205-5, shall be permitted in any zoning district in the Township, subject to the following regulations and requirements:

- A. Forestry activities.** Shall be practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling of trees for commercial purposes. A plan shall be filed with the Township which shall provide measures for erosion and sedimentation control and the immediate replanting of trees on areas where existing tree growth has been harvested.

- B. Setbacks.** Buildings, including accessory structures, and the harvesting or cutting of timber which is part of any forestry operation within the Township shall be set back from property lines and road frontages as follows:
1. Font yard setback: One hundred (100) feet;
 2. Side yard setback: One hundred (100) feet;
 3. Rear yard setback: One hundred (100) feet;
 4. Setback from any residential building: One hundred (100) feet;
 5. Setback from road frontages: One hundred (100) feet.
- C. Hours of Operation.** No forestry operations conducted in the Township shall commence operations of any machinery utilized in the forestry business, including motorized vehicles engaged in the business, until seven (7:00) A.M. and all such operations shall cease by five (5:00) P.M., prevailing time, Monday through Friday, only.
- D. Exterior Storage.** Any exterior storage of lumber or forestry product or by-product shall comply with all recognized fire standards and safety standards and shall be screened from view with the planting of an appropriate evergreen screen.
- E. Deliveries or Transport to and from the Site.** No deliveries to the location or transportation of product or by-product of the forestry operation shall be conducted except between the hours of seven (7:00) A.M. and five (5:00) P.M. Monday through Friday, only.
- F. External Illumination.** Any external illumination to be placed on the site as part of or to assist in the forestry operation shall be shielded from direct visual observation on any adjoining property or along any adjacent roadway.
- G. Signage and Retail Operations.** No sale of any of the lumber or any other product or by-product of the forestry operation may be sold on the premises where the forestry operation is conducted.

SECTION TWO: A new Section to be known as Article XXVI entitled "HI Heavy Industrial District" is adopted to provide as follows:

Section 205-157. Regulations to Apply.

In a HI Heavy Industrial District, the following regulations shall apply:

Section 205-158. Permitted Uses.

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and no other:

- A. Any use permitted in the I Industrial Zoning District which shall be subject to the same regulations and restrictions contained therein.
- B. Mining and mineral extraction.
- C. Any uses of the same general character as any of the above permitted uses when authorized as a special exception by the Zoning Hearing Board, provided that such use shall not create any danger to health or safety in the surrounding area or any amount of offensive noise, vibration, smoke, dust, odor, heat, lumination or other objectionable influences.

Section 205-159. General Regulations.

- A. **Lot area.** The lot area shall be a minimum of 80,000 square feet, and a lot width of not less than 200 feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district.
- B. **Building area.** No more than forty percent (40%) of the lot area shall be occupied by buildings.
- C. **Setbacks.** Buildings, including accessory structures and the outward edge, which is part of any mining or mineral extraction operation within the Township, shall be set back from the property lines and road frontages as follows:
 - 1. Font yard setback: One hundred (100) feet;
 - 2. Side yard setback: One hundred (100) feet;
 - 3. Rear yard setback: One hundred (100) feet;
 - 4. Setback from any residential building: Two hundred fifty (250) feet;
 - 5. Setback from road frontages: One hundred (100) feet.
- D. **Height Regulation.** The maximum height of any building or structure shall be thirty-five (35) feet.
- E. **Parking.** All off-street parking and loading areas shall be provided for in accordance with Article XVIII of this Chapter.

- F. **Landscaping.** Including conservation of existing trees and woodlands, street trees, stormwater basin landscaping and site element screens, shall be provided in accordance with the provisions of Chapter 175, Subdivision and Land Development.
- G. **Hours of Operation.** No mining or mineral extraction operations conducted in the Township shall commence operations of any machinery utilized in said business, including motorized vehicles engaged in the business, until 7:00 A.M. and all such operations shall cease by 5:00 P.M., prevailing time, Monday through Friday only.
- H. **Exterior Storage.** Any exterior storage of mining or mineral extraction products or by-products shall comply with all recognized fire standards and safety standards and shall be screened from view from adjoining properties with the planting of an appropriate evergreen screen.
- I. **Deliveries or Transport to and from the Site.** No deliveries to the location or transportation of product or by-product of the mining or mineral extraction operations shall be conducted except between the hours of 7:00 A.M. and 5:00 P.M. Monday through Friday only.
- J. **External Illumination.** Any external illumination to be placed on the site as part of or to assist in the mining or mineral extraction operation shall be shielded from direct visual observation on any adjoining property or along any adjacent roadway.
- K. **Signage and Retail Operations.** No sale of any of the mine or extracted materials or any other product or by-product of the mining or mineral extraction operation may be sold on the premises where the mining and/or mineral operation is conducted.

§ 205-73. **Smoke control.**

- A. No smoke shall be emitted from any chimney or other source visible gray greater than No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.
- B. Smoke of a shade not darker than No. 2 on the Ringelmann Smoke Chart may be emitted for not more than four minutes in any 30 minutes.
- C. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

§ 205-74. Emission control.

- A. No emission shall be made which can cause any damage to health, animals or vegetation or other form of property or which can cause any excessive soiling at any point.
- B. No emission of liquid or solid particles from any chimney or otherwise shall exceed three-tenths (0.3) grain per cubic foot of the covering gas at any point.
- C. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° F. and 50% excess air.

§ 205-75. Noise Control.

At no point on the boundary of a residential or commercial district shall the sound-pressure level of any operation exceed the described levels in the designated octave bands shown below for the district indicated.

SOUND LEVELS

Octave Band (cycles per second)	Along Residential District Boundaries	At Any Other Point on the lot Boundary
	Maximum Permitted Sound level (decibels)	Maximum Permitted Sound level (decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

§ 205-76. Control of odors.

There shall be no emission of odorous matter in such quantities as to be offensive along a lot boundary line. Any process which may involve the creation or

emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual, copyright 1951, by the Manufacturing Chemists Association, Inc., Washington D.C., or the latest revised edition thereof.

§ 205-77. Control of glare and heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point along the lot lines.

§ 205-78. Control of vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point on the lot line.

§ 205-79. Radioactivity or electrical disturbances.

There shall be no activities which emit dangerous radioactivity at any point. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point or any equipment other than that of the creator of such disturbance.

§ 205-80. Outdoor storage of materials; disposal.

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground; provided, however, that tanks or drums of fuel are excluded from this provision.
- B. All outdoor storage facilities for fuel, raw materials and products stored outdoors shall be concealed from any adjacent properties.
- C. No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.
- D. All materials or wastes which might cause fumes or dust which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors in closed containers.

§ 205-81. Power service lines.

Every use requiring power shall be so operated that the service lines, substation and appurtenances shall conform to the highest safety requirements known, shall be so

constructed and installed to be an integral part of the architectural features of the plant and, if visible from abutting residential properties, shall be concealed by coniferous planting.

§ 205-82. Waste disposal.

No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste into any stream. All methods of sewage and industrial waste treatment and disposal shall be approved by the Board of Supervisors.

§ 205-83. Water requirements.

All water requirements shall be stated in the application. Water shall be supplied by water distributing companies operating and supervised as municipal or public utilities by virtue of the laws of the Commonwealth of Pennsylvania and the ordinances of this township. No permit for construction, building or use shall be issued by the Zoning Officer until satisfactory proof of the availability and supply of water is furnished.

SECTION THREE: Definitions: Article II, Section 205-5 is amended to provide the following new definitions to be placed in alphabetical order:

Forestry shall mean 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.

Mineral extraction shall mean the extraction of any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, quarrying, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

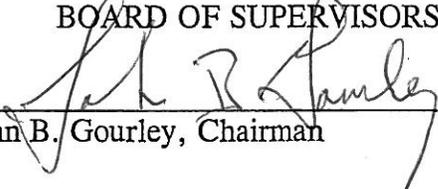
Mining shall mean the extraction of minerals and coal from the subsurface of grounds located within the Township and shall not include quarrying or open-face mining.

SECTION FOUR. Severability. In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION FIVE. Repealer: All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

ORDAINED and ENACTED by the Board of Supervisors of East Norriton Township this 27th day of August, 2001.

EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS


John B. Gourley, Chairman

Attest:


Helmuth J.H. Baerwald
Township Manager

