

WEST GOSHEN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-2014

AN ORDINANCE OF THE TOWNSHIP OF WEST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 84 OF THE WEST GOSHEN TOWNSHIP CODE, TITLED "ZONING", SPECIFICALLY SECTION 84-8 TO ADD DEFINITIONS FOR "COMMUNITY UTILITY", "GAS AND LIQUID PIPELINE FACILITY", "GOVERNMENTAL UTILITY", "HAZARDOUS LIQUID AND/OR GAS PIPELINE", "HAZARDOUS LIQUID AND/OR GASES", AND "PIPELINE IMPACT RADIUS", AND TO DELETE THE EXISTING DEFINITION FOR "PUBLIC UTILITY FACILITY" AND REPLACE IT WITH A NEW DEFINITION FOR "PUBLIC UTILITY FACILITY"; TO AMEND THE USE REGULATIONS FOR THE R-2, R-3, R-3A AND R-4 DISTRICTS TO DELETE PUBLIC UTILITY FACILITY AS A USE WHICH IS PERMITTED BY SPECIAL EXCEPTION; TO AMEND THE USE REGULATIONS FOR THE I-1, I-2, I-3, I-2R AND I-C DISTRICTS TO DELETE PUBLIC UTILITY USES AS USES PERMITTED BY RIGHT AND TO ADD PUBLIC UTILITY FACILITY AND GAS AND LIQUID PIPELINE FACILITY AS USES PERMITTED BY CONDITIONAL USE; AND TO ADD A NEW SECTION 84-56 TO ALLOW ESSENTIAL UTILITIES, GOVERNMENTAL UTILITIES AND COMMUNITY UTILITIES BY RIGHT IN ALL ZONING DISTRICTS AND PUBLIC UTILITY FACILITIES AND GAS AND LIQUID PIPELINE FACILITIES BY CONDITIONAL USE IN ALL INDUSTRIAL ZONING DISTRICTS SUBJECT TO STANDARDS SPECIFIED THEREIN.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Goshen Township that Chapter 84 of the West Goshen Code, titled, "Zoning", shall be amended as follows:

SECTION 1. Section 84-8 shall be amended to add the following definitions in alphabetical order:

COMMUNITY UTILITY - A utility which is owned, operated or maintained by a homeowners association or community association for the purpose of providing sanitary sewage disposal, stormwater control, water supply, energy, telephone or

other utility services within a defined service area solely within the Township or adjacent municipality.

GAS AND LIQUID PIPELINE FACILITY- Includes a pipeline and all associated equipment and buildings used or intended to be used for the transportation or distribution of gases and liquids, including but not limited to, anhydrous ammonia, petroleum, or petroleum products such as propane, butane, ethane, natural gas, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil and kerosene, and any hazardous liquids under pressure in a gaseous state or any and all liquids or gases that are defined as hazardous liquids or gases by federal or state environmental or safety statutes and implementing regulations, including but not limited to the Hazardous Liquid Pipeline Safety Act, 49 U.S.C. § 60101 et seq., as the same may be amended from time to time.”

GOVERNMENTAL UTILITY - A utility which is owned, operated or maintained by the Township, Municipal Authority or other agency or authority of the Township or Municipal Authority for the purpose of providing sanitary sewage disposal, stormwater control, water supply, energy, telephone or other utility services within a defined service area solely within the Township or adjacent municipality.

HAZARDOUS LIQUID AND/OR GAS PIPELINE - Any transmission pipeline for liquids and/or gases including within a storage field and any pipeline used for the transmission of materials such as, but not limited to, anhydrous ammonia, petroleum or petroleum products such as propane, ethane, butane, natural gas, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil and kerosene, and any hazardous liquids under pressure in a gaseous state or any and all liquids or gases that are defined as hazardous liquids or gases by federal or state environmental or safety statutes and implementing regulations, including but not limited to the Hazardous Liquid Pipeline Safety Act, 49 U.S.C. § 60101 et seq., as the same may be amended from time to time.

HAZARDOUS LIQUID AND/OR GASES - Any liquid or gas of any kind, including but not limited to anhydrous ammonia, petroleum, or petroleum products such as propane, ethane, butane, natural gas, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil and kerosene, any hazardous liquid under pressure in a gaseous state and any and all hazardous liquids that are defined as hazardous by federal or state environmental or safety statutes and implementing regulations, including but not limited to the Hazardous Liquid Pipeline Safety Act, 49 U.S.C. § 60101 et seq., as the same may be amended from time to time.

PIPELINE IMPACT RADIUS - The distance within which the potential failure of a hazardous liquid pipeline and/or gas pipeline could have significant impact to people or property, including but not limited to noise, environmental, visual and other impacts which may be detrimental to the health, safety and welfare of the community. The pipeline impact radius for a hazardous liquid and/or gas pipeline shall be calculated in the same manner as the potential impact radius defined by

federal or state laws, including, but not limited to Title 49 of the Code of Federal Regulations, as the same may from time to time be amended.

SECTION 2. The definition of “Public Utility Facility” in Section 84-8 shall be deleted in its entirety and replaced with the following new definition:

“**PUBLIC UTILITY FACILITY-** A facility owned and operated by a public utility as defined in this Ordinance.”

SECTION 3. Section 84-9.E(2) shall be deleted and the section number reserved for future use.

SECTION 4. Section 84-12.E(3) shall be deleted and the section number reserved for future use.

SECTION 5. Section 84-14.1.E(2) shall be deleted and the section number reserved for future use.

SECTION 6. Section 84-15.E(4) shall be deleted and the section number reserved for future use.

SECTION 7. Section 84-37.A(3) shall be deleted in its entirety and the section number reserved for future use.

SECTION 8. Section 84-37.A(15) shall be amended by adding a new subparagraph (c) which shall provide as follows:

“(c) Public Utility Facility and Gas and Liquid Pipeline Facility subject to the standards in Section 84-56.”

SECTION 9. Section 84-38.A(3) shall be deleted in its entirety and replaced with the following section:

“(3) Municipal, county, state and federal uses including fire, police and ambulance facilities.”

SECTION 10. Section 84-38.A(17) shall be amended by adding a new subparagraph (b) which shall provide as follows:

“(b) Public Utility Facility and Gas and Liquid Pipeline Facility subject to the standards in Section 84-56.”

SECTION 11. Section 84-39.A(3) shall be deleted in its entirety and replaced with the following section:

“(3) Municipal, county, state and federal uses including fire, police and ambulance facilities.”

SECTION 12. Section 84-39.A(18) shall be amended by adding a new subparagraph (b) which shall provide as follows:

“(b) Public Utility Facility and Gas and Liquid Pipeline Facility subject to the standards in Section 84-56.”

SECTION 13. Section 84-40.A(3) shall be deleted in its entirety and replaced with the following section:

“(3) Municipal, county, state and federal uses including fire, police and ambulance facilities.”

SECTION 14. Section 84-40.A(17) shall be amended by adding a new subparagraph (d) which shall provide as follows:

“(d) Public Utility Facility and Gas and Liquid Pipeline Facility subject to the standards in Section 84-56.”

SECTION 15. Section 84-41.A(4) shall be deleted and the section number reserved for future use.

SECTION 16. Section 84-41.A(14) shall be amended by adding a new subparagraph (k) which shall provide as follows:

“(k) Public Utility Facility and Gas and Liquid Pipeline Facility subject to the standards in Section 84-56.”

SECTION 17. A new Section 84-56 shall be added which shall provide as follows:

“§84-56. Utility Uses.

A. Essential Utilities, Community Utilities and Governmental Utilities, as defined in Section 84-8, shall be uses permitted by right in all zoning districts, subject to the following regulations:

- (1) No such use shall include an office open to the general public, trucking or repair facilities or housing of work crews.

(2) The portion of any such use not located within a building shall be enclosed or adequately screened in such a manner as to not be visible across property lines.

(3) No advertising shall be affixed to any structure.

B. A Public Utility Facility and a Gas and Liquid Pipeline Facility, as defined in Section 84-8, shall be permitted by conditional use of the Board of Supervisors in the I-1, I-2, I-2R, I-3 and I-C Districts subject to the performance standards in this section. Gas and Liquid Pipeline Facilities and Hazardous Liquid and/or Gas Pipelines are only permitted in the I-1, I-2, I-2R, I-3 and I-C districts by conditional use and subject to compliance with the following standards:

(1) No obnoxious, toxic or corrosive fumes or gases shall be emitted as a result of the use.

(2) No use shall emit offensive odors which are perceptible at lot lines.

(3) No use shall discharge into the air dust or other particulate matter in a manner or quantity which does not conform to all applicable federal and state laws and implementing regulations.

(4) No use shall emit smoke from operations.

(5) No use shall produce any heat perceptible at or beyond the lot boundaries.

(6) No use shall utilize lighting in a manner which does not conform with the lighting standards in this Chapter.

(7) No use shall permit physical vibrations perceptible at or beyond the lot boundaries.

(8) No use shall emit potentially harmful radiation.

(9) No use shall engage in the production or storage of any material designed for use as an explosive.

(10) No use shall engage in the storage of waste materials on the lot for any period beyond 5 days. Such waste material storage shall be located behind the front building line of the primary building and no closer than 50 feet to any rear or side lot line and shall be completely screened from the view of any street or adjoining property.

(11) No use shall discharge any objectionable and/or potentially dangerous effluent from plant operations.

- (12) No industrial lagoons for chemicals or other liquid waste shall be permitted.
- (13) The portion of any such use not located within a building shall be enclosed or adequately screened in such a manner as to not be visible across property lines.
- (14) All uses shall be conducted in compliance with applicable governmental regulations, including the noise and lighting regulations in this Chapter.
- (15) No retail activity shall be permitted.
- (16) The owner of the Public Utility Facility and Gas and Liquid Pipeline Facility shall provide the Township with an emergency liaison that may be reached 24 hours a day, 7 days a week in the event of an emergency.
- (17) The Public Utility Facility and Gas and Liquid Pipeline Facility shall prepare and file with the Township an emergency response plan which shall be followed in the event of an emergency at the facility.
- (18) A Public Utility Facility and Gas and Liquid Pipeline Facility that involve hazardous liquid and/or gas pipelines shall be set back from all occupied structures a minimum distance equal to the Pipeline Impact Radius.”

SECTION 18. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 19. Repealer. Ordinance No. 3-2014 adopted by the Board of Supervisors of West Goshen Township on September 2, 2014 shall be repealed and replaced in its entirety with this Ordinance. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 20. Effective Date. This Ordinance shall be effective five days following enactment as by law provided.

ENACTED AND ORDAINED this 8th day of October, 2014.


ATTEST:

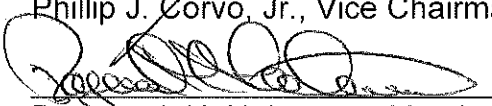


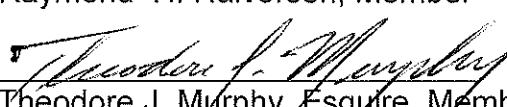
Casey LaLonde, Secretary

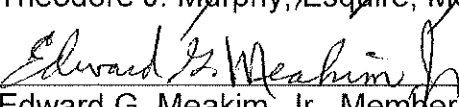
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