

**WAVERLY TOWNSHIP**  
Lackawanna County, Pennsylvania

ORDINANCE NO. 158A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF WAVERLY TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA, ENACTED JUNE 14, 2021, AND EFFECTIVE DECEMBER 20, 2023, IN ACCORDANCE WITH THE SCRANTON-ABINGTONS (SAPA) COOPERATIVE ZONING INTER-GOVERNMENTAL AGREEMENT ADOPTED JUNE 14, 2021, TO REVISE REQUIREMENTS FOR SOLAR ENERGY DEVICES/SYSTEMS, WIND TURBINES/WIND ENERGY SYSTEMS, NUISANCE ELEMENTS, TINY HOMES, PARKING OF RECREATIONAL VEHICLES, AND TREE PRESERVATION

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Waverly Township, Lackawanna County, Pennsylvania, by authority of and pursuant to the Pennsylvania Municipalities Planning Code (Act of 1968, PL 805, No. 247) as amended:

**ITEM 1:** *Revise Article 2, Section 2.2 – Definitions, Recreational Vehicle, to read as follows:*

**RECREATIONAL VEHICLE** - A vehicle that is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed, or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following: watercraft other than canoes with a hull longer than 12 feet (12'), motor homes, travel trailers, tiny homes (cabin-on-wheels **or park models**) that do not meet the Uniform Construction Code or HUD manufactured housing standards, all-terrain vehicles, and snowmobiles.

**ITEM 2:** *Add the following definitions to Article 2, Section 2.2 – Definitions:*

**ASSISTED-CARE APARTMENT UNIT:** *A secondary dwelling unit established for the care of an infirmed, aged, or ill relative, and in conjunction with and clearly subordinate to the primary, single-family detached dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.*

**TRANSPORTABLE CONDITION** – *Any vehicle or recreational vehicle that bears current license/registration and inspection stickers, is capable of being moved under its own power or towed, is not connected to a water supply system and/or sewage disposal system and does not present a hazard or danger to the public by virtue of its state or condition.*

**ITEM 3:** *Revise Article 3, Section 3.4 – District Quick Views, as follows:*

In all zoning districts where permitted, **delete** the following uses from Accessory Uses:

**Solar Energy Device – Permitted Use (P)**  
**Wind Turbine – Permitted Use (P)**

In all zoning districts, **add** the following uses to Accessory Uses:

- Solar Energy System < 750 square feet – Permitted Use (P)**
- Solar Energy System ≥ 750 square feet – Special Exception (SE)**
- Wind Turbine – Special Exception (SE)**

In the 21-Commercial/Industrial zoning district, **revise** the following Permitted Uses (Principal Uses) as follows:

PRINCIPAL USES		PRINCIPAL USES	
<del>Solar Energy Farm</del>	<del>P</del>	<b>Solar Energy Farm</b>	<b>SE</b>
<del>Wind Turbine</del>	<del>P</del>	<b>Wind Energy System</b>	<b>SE</b>

**ITEM 4:** Add the following subsection to Article 5, Section 5.7 – Landscaping and Tree Preservation, to read as follows:

**C. Tree Removal.**

1. **The provisions of this section shall not apply to the following:**
  - (a) **A permitted commercial forestry use.**
  - (b) **A permitted agricultural use.**
  - (c) **A permitted mineral extraction use.**
  - (d) **Routine selective cutting of up to fifteen percent (15%) of the trees throughout a lot to thin woods that does not involve clear cutting of any areas other than areas approved for the development of a new use.**
  - (e) **Residential lots less than one-half (½) acre, unless said lots are within a proposed major subdivision, as set forth in the Waverly Township Subdivision and Land Development Ordinance.**
  
2. **Except as permitted in §5.7 C. 1., a maximum of ten (10) trees with a trunk diameter of eight inches (8”) or more, measured at a height four feet (4’) above original grade, are permitted to be removed per lot in any calendar year unless each additional tree meets one or more of the following:**
  - (a) **Is located within ten feet (10’) of an uncurbed vehicular cartway.**
  - (b) **Is within a proposed or existing vehicular cartway, shoulder, or sidewalk.**
  - (c) **Is within ten feet (10’) of an approved storm water detention basin, paved area, driveway, or on-lot sewage system.**
  - (d) **Is within twenty-five feet (25’) of the foundation of an approved structure.**
  - (e) **Is within an approved utility corridor.**

- (f) ***Is diseased, dead, or poses a clear danger to a structure, utility, or public improvement.***
- (g) ***Is a hazard to vehicular sight distance.***
- (h) ***Is clearly of old age and unhealthy and cannot reasonably be expected to live an additional five years.***
- (i) ***Is within an area that must be cleared for an approved principal or accessory use and/or required parking and storm water facilities.***
- (j) ***Is within an area that must be cleared to develop an approved outdoor recreational use.***

**ITEM 5:** *Revise Article 5, Section 5.9 – Regulation of Nuisance Elements, Subsection C. Dust, Dirt, Smoke, Vapor, Gas, and Odor Control, to read as follows:*

1. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards set by the Pennsylvania Department of Environmental Protection (DEP), the Air Pollution Control Act of January 8, 1960 (and all amendments thereto), or any other applicable federal or state law or agency.
2. No use shall generate odors, smoke, vapors, or gases above the odor perception threshold of an average person on private or public property beyond the lot lines of the use generating the odors.
3. No use shall generate dust, dirt, smoke, vapors, or gases at any point for longer than five minutes in any hour of a visible color or shade darker than No. 3 on the Ringelmann Smoke Chart as distributed by the U.S. Department of the Interior, Bureau of Mines.
4. ***Burning and open fires shall be subject to the Waverly Township Burn and Open Fires Ordinance, No. 100-1997, enacted April 28, 1997, as amended.***

**ITEM 6:** *Revise Article 5, Section 5.16 – Reserved, as follows:*

**Section 5.16 – Tiny Homes**

- A. *A tiny home must be served by water and sewer. Connection to public water and/or sewer shall conform to the regulations of the authority responsible for each utility. If public water is unavailable, the tiny home must be served by an on-lot well. Any connection to and/or expansion of an individual on-lot sewage disposal system shall be reviewed by the Sewage Enforcement Officer, and the applicant shall present evidence of such review and all necessary approvals.***
- B. *Setbacks, density, building impervious surface, and required off-street parking shall be as required for single-family dwellings in the applicable zoning district in which the tiny home is located.***
- C. *A certificate of occupancy is required and must be based on approval under the following building code requirements: UCC building code or HUD building codes AND Recreational Vehicle Industry Association (RVIA) safety***

*standards. See definition of Tiny Home in this Ordinance.*

- D.** *The construction or location of a tiny home as a second dwelling on a lot, other than an assistant-care accessory apartment unit, shall be considered a land development and shall require planning approval as regulated by the Borough Subdivision and Land Development Ordinance.*

**ITEM 7:** *Delete Article 5, Section 5.17 – Solar Energy Systems in its entirety*

**ITEM 8:** *Add a new Article 5, Section 5.17 – Accessory Solar Energy Systems, to read as follows:*

**Solar Energy Systems - Accessory**

- A.** *Active solar energy systems, either roof-mounted or ground-mounted, shall be permitted in all zoning districts, subject to the following:*
- 1.** *Active solar energy systems with a surface area less than seven hundred fifty (750) square feet shall be allowed as a permitted use.*
  - 2.** *Active solar energy systems with a surface area equal to or greater than seven hundred fifty (750) square feet shall be allowed only as a special exception and require approval by the Zoning Hearing Board prior to installation.*
- B.** *Ground-mounted solar systems shall not exceed a height of fifteen feet (15').*
- C.** *Ground-mounted solar systems must meet accessory structure setbacks as set forth in this Ordinance.*
- D.** *In addition to meeting the required minimum building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure for a maximum of two feet (2').*
- E.** *All exterior electrical components, wires, or devices of a ground-mounted solar system shall be placed underground.*
- F.** *Active solar systems shall be designed to blend into the architecture of the building or be screened from view from public rights-of-way and from adjoining properties. The type and size of the screening shall be determined by the Zoning Officer or Zoning Hearing Board.*
- G.** *Collector surfaces shall minimize glare and reflected light.*
- H.** *Building integrated photovoltaic solar systems shall be allowed, provided the building component in which the system is integrated meets all required setbacks and performance standards for the district in which the building is located.*

- I. Roof-mounted systems shall not have a highest finished pitch more than five percent (5%) steeper than the roof pitch on which the system is mounted and shall be no higher than ten inches (10") above the roof.**
- J. Solar systems on buildings or properties within the Waverly National Register Historic District shall require the issuance of a Certificate of Appropriateness by the Board of Supervisors after review and recommendation by the Historic Architectural Review Board (HARB) in accordance with the township Historic District Ordinance of 2004 and the 2009 Guidelines for the Historic District of Waverly Township. Appendix I of this ordinance contains the provisions of the Historic District Ordinance of Waverly Township (Ordinance No. 115-2004).**
- K. Electric solar system components must have a UL listing.**
- L. All active solar systems must comply with the state Uniform Construction Code, as adopted by the township.**
- M. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Zoning Officer of Zoning Hearing Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.**
- N. Ground-mounted solar systems shall be considered impervious surfaces and shall be calculated into the maximum lot coverage requirements for the zoning district in which they are located.**
- O. A storm water management plan shall be prepared by a qualified professional for all ground-mounted solar systems that are equal to or greater than seven hundred fifty (750) square feet.**
- P. All active solar systems must blend into the building on which they are mounted, or the surface collector must be of a color that blends into the roof or wall of the building.**
- Q. All roof-mounted solar systems must be anchored in such manner as to withstand wind speeds as required of other rooftop mechanical equipment in the state Uniform Construction Code, as adopted by the township.**
- R. For those solar systems that require a special exception approval, the Zoning Hearing Board may attach reasonable additional conditions to ensure the safety and integrity of adjacent properties and the surrounding neighborhood.**

**ITEM 9:** Delete Article 5, Section 5.20 – Wind Energy Systems in its entirety

**ITEM 10:** Revise Article 6, Section 6.4 A. – Assisted-care Accessory Apartment, as follows:

A. Assisted-care Accessory Apartment Unit

- 1. One (1) temporary accessory apartment shall be allowed on any conforming lot containing a single-family detached dwelling without an increase in density

per dwelling requirements. The apartment may be either in or attached to the principal structure or in a detached accessory structure. Detached assisted-care units shall be limited to tiny homes as defined by this Ordinance. Assisted-care accessory apartments shall not be allowed in conjunction with two-unit attached dwellings, duplexes, multi-family dwellings, mobile homes in a mobile home park, or bed and breakfast inns.

2. The occupancy of the assisted-care accessory apartment unit shall be limited to the infirmed, aged, or ill relative of the permanent resident of the principal dwelling on the property.
3. Under no circumstance shall the use have a maximum gross floor area greater than 400 square feet. Any dwelling unit over 400 square feet shall be considered a principal dwelling or structure and shall be subject to all density and setback requirements for principal dwellings and structures.
4. All applicable setback requirements for principal dwellings shall be met for assisted-care apartment units, **and Lot Dimension Standards regarding Building Impervious Surface as provided for under Article 3, Section 3.4, District Quick Views, also shall be met.**
5. Sewage flows from an assisted-care apartment unit shall not exceed 400 gallons per day. All applicable permits and approvals for connection to the public sewer system or for an on-lot sewage disposal system or modification or installation of any additional on-lot sewage disposal systems shall be required. PA DEP provides through TAB 51 for the development of assisted-care apartment units to address sickness or other hardship without the requirement of processing sewage Planning Modules.
6. Assisted-care apartment units shall not require approval as a "Land Development" under the Township's Subdivision and Land Development Ordinance.
7. A legally binding agreement for execution between the property owner and the Township to provide for the elimination of the unit when the unit is no longer occupied by the relative requiring care shall be submitted with the zoning application. **This agreement must contain a provision for a timeline for the unit's removal, and in no case shall this timeline be longer than six (6) months after the cessation of the occupancy of the unit.**
8. The assisted-care apartment unit shall be designed and installed in such a way that it can be easily converted into part of the principal structure, or in the case of a tiny home, can be easily removed from the property.

**ITEM 11:** Add a new Article 6, Section 6.4 JJ. - Accessory Wind Turbine/Generators, to read as follows:

**Wind Turbine/Generators - Accessory**

- A. **One (1) Wind Turbine/Generator shall be permitted as an accessory structure on any lot three (3) acres or larger and shall be sized and used to generate electricity for the principal structure to which they are accessory.**
- B. **Wind Turbine/Generators shall be permitted in all zoning districts as special exceptions.**

- C. Permitting Requirements. In addition to a zoning permit, applications to construct a wind energy conversion system shall be accompanied by a plot plan package that includes the following:**
- 1. Property lines and physical dimensions of the lot;**
  - 2. Location of the wind energy system tower on the lot;**
  - 3. Location, dimensions, and types of existing principal and accessory structures on the lot;**
  - 4. The right-of-way delineation of public streets adjacent to the lot;**
  - 5. The presence of any overhead utility lines;**
  - 6. Any easements;**
  - 7. A map of the 200-foot area surrounding the slot showing all affected lands and structures at a legible scale;**
  - 8. Specifications of the wind energy system, including manufacturer and model, rotor diameter, tower height, and tower type (e.g., freestanding or guyed);**
  - 9. Standard installation drawings shall be submitted showing the wind turbine structure, including the tower, the base, and the footings, stamped, and sealed by a professional engineer licensed by the Commonwealth of Pennsylvania;**
  - 10. An engineering analysis of the tower showing compliance with the Uniform Construction Code and certified by a licensed professional engineer;**
  - 11. A site-specific wind resource assessment by a qualified professional; and**
  - 12. Drawings, plans, and/or narratives demonstrating that the wind energy conservation system is equipped with manual braking and meets all building and electrical codes.**
- D. The maximum turbine height of the Wind Turbine/Generator shall be one hundred feet (100') measured from the highest point of the turbine blade.**
- E. No Wind Turbine/Generator shall be located in the front yard of any property.**
- F. No part of the Wind Turbine/Generator structure shall be located closer to any property line than 1.5 times the total height of the wind Turbine/Generator.**
- G. Guy wire anchors shall not extend closer than thirty feet (30') to any property line or road right-of-way.**
- H. Noise and vibration from the Wind Turbine/Generator shall comply with Section 5.9 of this Ordinance. The noise level may be exceeded**

**during short-term events such as utility outages and/or severe windstorms.**

- I. The Wind Turbine/Generator shall be sited to minimize to the greatest extent possible shadow flicker on adjoining properties.**
- J. The Wind Turbine/Generator support structure shall be designed or fenced and locked to prevent climbing.**
- K. Wind Turbine/Generators shall comply with applicable FAA regulations. Artificial lighting shall not be permitted, whether directly or indirectly, except as required by the FAA.**
- L. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission (PUC) governing generation of electricity for private use and shall provide evidence that he or she has notified the incumbent utility provider of his or her desire to install an interconnected wind energy system.**
- M. The wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the owner shall correct the problem within 90 days of being notified of the problem.**
- N. The wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects.**
- O. The wind energy system shall have an automatic overspeed control to render the system interoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.**
- P. All ground-mounted electrical and control equipment shall be labelled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground elevation. Safety fencing is required if the wind energy system has climbing features below twelve (12) feet.**
- Q. All electrical wires associated with a wind energy system shall be located underground when practicable. All wires not located underground, including but not limited to wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be contained within an appropriate conduit suitable for the same.**
- R. A wind energy system is considered abandoned if it is inoperable or unsafe or unattended for a period of 12 months. Non-function or lack of operation may be proven by reports from the interconnected incumbent utility provider. Wind energy systems must be immediately removed at the expense of the property owner if deemed abandoned.**
- S. Wind energy systems cannot be used to support signage, satellite dishes, or antennas.**

- T. The owner shall repair and maintain the Wind Turbine/Generator as needed to keep the structure in good repair and operational condition. Failure to do so shall constitute a zoning violation.**
- U. The Wind Turbine/Generator and all components associated with its operation shall be removed within ninety (90) days of the date when its use has been discontinued or abandoned by the owner. Failure to do so shall constitute a zoning violation. A wind energy system is considered discontinued or abandoned if it is inoperable or unsafe or unattended for a period of twelve (12) months. Non-function or lack of operation may be proven by reports from the interconnected incumbent utility provider.**
- V. Wind Turbine/Generators proposed on properties within the Waverly National Register Historic District shall require the issuance of a Certificate of Appropriateness by the Board of Supervisors after review and recommendation by the Historic Architectural Review Board (HARB) in accordance with the township Historic District Ordinance of 2004 and the 2009 Guidelines for the Historic District of Waverly Township. Appendix I of this ordinance contains the provisions of the Historic District Ordinance of Waverly Township (Ordinance No. 115-2004).**
- W. The Zoning Hearing Board may attach reasonable additional conditions to ensure the safety and integrity of adjacent properties and the surrounding neighborhood.**

**ITEM 12:** Add a new Article 6, Section 6.4 KK. – Wind Energy System – Principal Use, to read as follows:

**Wind Energy System - Principal Use**

- A. Other uses ancillary to the wind energy system (such as a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind energy system. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind energy system.**
- B. A wind energy system may be permitted on a property with an existing use subject to the following land development standards:**
  - 1. The minimum lot size, minimum setbacks and maximum height required by the underlying zone district shall apply to the wind energy system and windmills, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot size, density and other requirements of the underlying zone district.**
  - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along existing driveways. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.**

- C. The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.**
- D. If the parcel on which the wind energy system is a separate and distinct parcel, the underlying zone district minimum lot size shall apply and, in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the underlying district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of fifty feet (50').**
- E. If the land on which the wind energy system is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of fifty feet (50') from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the underlying district.**
- F. No windmill shall be located less than five hundred feet (500') from any principal residential structure existing prior to the erection of the windmill.**
- G. The applicant shall demonstrate that the proposed windmills are safe, and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy system and support structure will be designed and constructed in accordance with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind energy system shall provide a certification from a Pennsylvania registered professional engineer that the wind energy system and all structures comply with all applicable regulations.**
- H. A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.**
- I. Landscaping may be required to screen as much of the wind energy system ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind energy system ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. Landscaping, including an evergreen buffer, shall be mandatory for any wind energy system that abuts a residential zoning district or a residential property.**
- J. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and**

**emergency telephone number for the operator of the wind energy system; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind energy system.**

- K. Access to the wind energy system shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. If the wind energy system site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.**
- L. Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PennDOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PennDOT Bureau of Aviation.**
- M. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind energy system developer.**
- N. A wind energy system shall not be located within five-hundred feet (500') of any structure listed on any public historic register.**
- O. Should any wind energy system or windmill cease to be used, the owner or operator or then owner of the land on which the wind energy system or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the windmill.**
- P. A land development plan shall be required for all wind energy systems, and approval of such plan shall be required in accordance with the Township Subdivision and Land Development Ordinance.**

**ITEM 13:** Add a new Article 6, Section 6.4 LL. – Solar Energy Farm, to read as follows:

**Solar Energy Farm – Principal Use**

- A. A minimum lot size of two (2) acres shall be required. If the solar energy facility is proposed on a parcel that contains an existing use, then the minimum lot size shall be two (2) acres plus the minimum lot size of the existing use, as provided for under Section 3.4 – District Quick Views for the 21-Commercial/Industrial zoning district.**

- B. Solar collectors shall not exceed a maximum height of forty feet (40').**
- C. A fence may be required around the facility or portions of the facility for safety reasons. The height and type of fencing shall be as determined by the Zoning Hearing Board.**
- D. Landscaping may be required to screen as much of the solar energy facility features as possible. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. Landscaping, including an evergreen buffer, shall be mandatory for any solar energy farm that abuts a residential zoning district or a residential property.**
- E. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar energy facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar energy facility.**
- F. Access to the solar energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. If the solar energy facility is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.**
- G. The applicant shall provide details about anticipated glare from the facility and document how potential nuisances to area properties and public roads will be controlled.**
- H. No solar power facility shall be located within five hundred feet (500') of any structure listed on any public historic register.**
- I. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.**
- J. On-site transmission and power lines shall to the greatest extent possible be placed underground.**
- K. Should any solar power facility cease to be used, the owner or operator or then owner of the land on which the solar power facility is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any solar power facility, the Township shall require a financial guarantee, in a term,**

*form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the solar power facility.*

- L. A land development plan shall be required for all solar energy facilities and approval of such plan shall be required in accordance with the Township Subdivision and Land Development Ordinance.*

**ITEM 14:** *Correct typographical error in Article 7, Section 7.3 B. 1. a. – Parking of Commercial, Recreational, and Junk Vehicles, to read as follows:*

- a. ~~Commercial~~ Vehicle – **Commercial** Vehicle – A motor vehicle that has a gross vehicle weight of greater than six thousand (6,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material.)*

**ITEM 15:** *Add a new Article 7, Section 7.3 C. – Recreational Vehicle Parking, to read as follows:*

**3. Recreational Vehicle Parking**

*A maximum of one (1) uninhabited recreational vehicle in transportable condition may be stored or parked on a lot outside of an enclosed structure provided that the following are met:*


- A) The recreational vehicle must be owned by the occupants of the property upon which the recreational vehicle is located.*
- B) The recreational vehicle shall not be stored in any front yard or in any yard abutting a street.*

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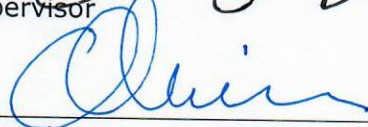
The public hearing for this Ordinance was held on March 10, 2025.

This Ordinance, amending the Waverly Township Zoning Ordinance enacted June 14, 2021, and effective December 20, 2023, in accordance with the Scranton-Abingtons (SAPA) Cooperative Zoning Intergovernmental Agreement adopted June 14, 2021, is hereby **ORDAINED** and **ENACTED** by vote of the Board of Supervisors of Waverly Township, Lackawanna County, Pennsylvania, at a duly convened meeting of the Board of Supervisors held this 10 day of March, 2025.

**WAVERLY TOWNSHIP BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Supervisor

  
\_\_\_\_\_  
Supervisor

**ATTEST:**

  
\_\_\_\_\_  
Township Secretary (SEAL)

