WARWICK TOWNSHIP

BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WARWICK TOWNSHIP, PENNSYLVANIA, TO AMEND THE WARWICK TOWNSHIP CODE OF ORDINANCES TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES, ADD DEFINITIONS, CLARIFY TEMPORARY SIGN REQUIREMENTS, UPDATE HOME CRAFTS HOME OCCUPATION, CLARIFY BUFFER YARD INCLUSIONS, CLARIFY ACCESSORY STUCTURE PLACMENT AND REMOVE REFERENCES THAT NO LONGER EXIST.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, *et seq.*, authorizes the Warwick Township to enact, amend and repeal Zoning Ordinances within the Township; and

WHEREAS, the Warwick Township deems it to be in the best interest and general welfare of the residents of the Township to update and amend provisions of the Warwick Zoning Ordinance, to add definitions, clarify temporary sign requirements, update home crafts home occupation, clarify buffer yard inclusions, clarify accessory structure placement and remove references that no longer exist, and to provide for Data Centers and Data Center Accessory Uses; and

WHEREAS, the Board of Supervisors of the Township desires to add provisions to the Zoning Ordinance relating to definitions, clarify temporary sign requirements, update home crafts home occupation, clarify buffer yard inclusions, clarify accessory structure placement and remove references that no longer exist, and to provide for Data Centers and Data Center Accessory Uses;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Warwick Township, Bucks County, Pennsylvania, that Chapter 195, Zoning, of the Code of Ordinance of the Township of Warwick is amended as follows:

Section 1. Section 195-9 of the Township Code of Ordinances, entitled Definitions, is amended to update and add the following definitions:

Addition An extension or increase in floor area, roof area or height of a building or structure without structural demolition that is more than 50% of the original buildings floor area.

Forest Areas comprised of largely mature trees, regardless of condition, in which the largest trees measure at least six inches dbh (diameter at breast height or 4 1/2 feet above the ground) covering an area of 5,000 square feet or more. The forests shall be measured from the dripline of the outer trees. forests are also individual trees which measure at least 10 inches dbh and form a contiguous canopy that covers 5,000 square feet.

New Construction: Establishment of a building or structure that did not previously exist or the reconstruction of 50% or greater of the original floor area.

Steep Slopes Areas where the average slope exceeds 8% which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion and flooding. Slopes that are proven

to the Township Engineer to be man-made shall not be regulated.

Section 2. Chapter 195 (Zoning), Article III, Section 195-15 – 195 Attachment 1, is hereby amended to include H19 – Data Centers and Data Center Accessory Uses as permitted by conditional use (C) in the LI District.

Chapter 195 (Zoning), Article III, Section 195-15 – 195 Attachment 2, is hereby amended to remove B13 & B14 from Notes 1.

Chapter 195 (Zoning), Article III, Section 195-16, is hereby amended to include H19 – Data Centers and Data Center Accessory Uses.

Chapter 195 (Zoning), Article XVIII, Section 195-56.B, is hereby amended to include H19 – Data Centers and Data Center Accessory Uses as permitted by conditional use.

Section 3. Section 195-16.B(10)(c)[4][b] is amended as follows:

195-16.B10(c)[4][b] Home crafts may include, but are not limited to, the following: artists, sculptors, dressmakers, seamstresses/tailors, home baker/brewer, artisans; and include such activities as model making, rug weaving, lapidary work, furniture making, confections, personalized and specialized custom creations.

[i] Home crafts are permitted only in single-family detached dwellings and existing accessory buildings on the same lot.

[ii] No more than one person other than resident members of the immediate family may be employed.

[iii] In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, a home craft shall provide one off-street space per 300 square feet of total floor area used for the home occupation. A maximum of four off-street parking spaces are permitted on one lot inclusive of the required residential parking.

Section 4. Sectio 195-16B(12)(b)[1] is amended as follows:

195-16.B(12)(b)[1] On properties less than three acres in size, an accessory building may be erected within a side and/or rear yard, provided that it is located no further forward than the front building line (corner lots are subject to multiple front building lines based on street frontage) of the primary structure on the property, and provided, further, on properties of any size, that the accessory building shall be located no less than seven feet from any property line. In the case of residential accessory buildings on lots with more than one front yard (including but not limited to corner lots), the property owner may select one front yard to which the house is not oriented to a street for placement of a residential accessory structure,.

Section 5. Section 195-16 (General Use Regulations) is amended to add Section 195-16.H(19), Data Centers and Data Center Accessory Uses as follows:

H19 – Data Centers and Data Center Accessory Uses

A. Data Centers shall be permitted by Conditional Use in the LI Zoning District when approved in compliance with the procedures, standards, and criteria contained in this section.

B. For purposes of this section, sensitive receptors shall be defined as residential uses as prescribed, schools, preschools, daycare centers, in-home daycares, long term care facilities, retirement and nursing homes, community centers, places of worship, parks

(excluding trails), campgrounds, community treatment facilities, and boarding/rooming houses.

C. **Definitions.**

Backup Generators: Natural Gas, diesel, hydrogen fuel cells UPC, Power Storage System or other non-coal equipment used to generate electricity during a power outage or similar emergency. Backup generators are only to be used during periods of outages, natural disasters or similar "emergency events" for power generation and for regular reliability testing and exercising.

Buffer: A designated area composed of natural vegetation, planted landscaping, or a combination thereof, designed to physically and visually obscure, separate, or screen differing uses, features, or zoning districts. Buffering serves to soften the outline of buildings, screen glare and noise, and create a visual and/or physical barrier between conflicting land uses

Data Center: A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include Data Center Accessory Uses.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. The use shall not include energy generation systems used or intended to be used to supply power to the Data Center during normal operations.

Data Center Electrical Substation: A facility used for the transformation or transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way. It shall comprise of transformers, circuit breakers, busbars, protective devices, switchgear, and related equipment designed to ensure a stable and efficient power supply, meeting the specific energy requirements of the use.

Data Center Equipment ("DCE"): Equipment related to utilities, utility lines, power generation stations, electrical substations, pump stations, water towers, mechanical equipment, cooling systems, and sound control systems. Fire suppression systems, and environmental controls (emission controls, noise pollution controls, environmental impact monitoring), redundant/backup power supplies, redundant data communications connections, and security operations when located on the same parcel or assemblage of adjacent parcels developed as a unified development for a Data Center.

Data Center Principal Building: A building that contains the office and/or data storage functions of a Data Center.

Disaster Recovery Facility: A building used for the continued operation of an off-site business in the event of a natural or man-made disaster that causes the interruption of that business. Such facilities may include digital storage of business documentation, records, and other information.

Sensitive Receptors: Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, playgrounds, parks (excluding trails), campgrounds, campgrounds, community treatment facilities, boarding/rooming houses, and any residential use unless it is located on a parcel with an existing industrial use.

Screening – Audible: A physical barrier that is an earthen berm, solid wall, or a combination thereof specifically designed and constructed to disrupt the travel of sound through absorptive or deflective methods. Such screening may or may not be part of required visual screening and shall provide an STC of no less than 35 and an NRC of no less than 1.0.

Screening – Visual: A physical barrier, including but not limited to landscaping or a wall, solid or louvered, that obscures the visibility of a property or use from abutting properties, this term shall be understood to incorporate "screen planting".

Small Modular Reactor: The small modular reactor (SMR} is a class of small nuclear fission reactors, designed to be built in a factory, shipped to operational sites for installation and then used to power buildings or other commercial operations. SMR designs include: pressurized water, generation IV, thermal-neutron reactors, fast-neutron reactors, molten salt, and gas-cooled reactor models, as examples. An SMR must be of a design fully licensed and permitted by the NRC {Nuclear Regulatory Commission).

D. **Area and Dimensional Standards.** The dimensional standards of Data Centers and Data Center Accessory Uses shall be in accordance with the following:

1. Minimum lot area: 20 acres
2. Any such use shall be a minimum of 200 feet from any public road as measured from the ultimate right-of-way of the road and 200 feet from any property line. Additionally, data center and data center accessory uses shall be set back 300 feet from the boundary of RA, R1, R1A, R2, RR and RG districts, an occupied residential dwelling unit and/or any property developed with a Sensitive Receptor.
3. The maximum building height for a Data Center shall be 35 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers, elevator towers, parapet walls to screen rooftop equipment and protrusions, and other such items.
4. The maximum height of Data Center Accessory Uses shall be no greater than 20 feet.

E. **Landscape Buffer.** A landscape buffer is required between Data Centers and Data Center Accessory uses and any adjoining RA, R1, R1A, R2, RR and RG district, Sensitive Receptor, or public roadway. The landscape buffer shall comply with the following requirements:

1. The buffer requirements of §195-63 of this chapter shall be met.
2. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the Data Center and Data Center Accessory Uses from adjoining RA, R1, R1A, R2, RR and RG district, Sensitive Receptors, and public roadways, the Board of Supervisors, upon recommendation by the Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard. Subsequent to such determination, the area of existing vegetation shall be deed restricted from removal of vegetation. Planting of new vegetation in the deed restricted area shall be permitted using methods for limited disturbance as authorized by the Township.

F. **Screening and Fencing**

1. To provide visual screening and reduce noise levels, ground-mounted and roof-mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 300 feet of a public roadway, RA, R1, R1A, R2, RR and RG district, or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:
    a. The landscape buffer required by subsection (D) above.
    b. By existing vegetation that will remain on the property.
    c. By the principal Data Center building or an accessory building
    d. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural ground cover and any required screening plantings shall be arranged on the outside and top of the berm.
    e. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
2. Fencing of the property is permitted, provided that fencing is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence devices.

G. **Noise and Vibration**

1. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Data Center and/or Data Center Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 10:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (10:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 47 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:
    a. A preliminary sound and vibration study shall be prepared by a qualified professional as part of the conditional use process. The preliminary study shall

include recommended sound and vibration reducing materials or systems as needed to meet the aforesaid limits.

b. An interim sound and vibration study shall be conducted during the building permit approval process based upon the proposed user or users of the Data Center and Data Center Accessory Uses depicted on the building plans. Any sound and vibration reducing materials or systems recommended by interim study shall be incorporated into the construction plans for the use.

c. An as-built sound and vibration study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built study may also be required thereafter by Warwick Township. If it is determined by the as-built study that there is a violation of the aforesaid limits, it shall be considered a violation of this Ordinance.

2. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate, and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.

3. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the Data Center, Data Center Accessory Uses, or associated equipment will be 0.00 particle velocity beyond the property line.

H. **Utility Review.** The proposed use shall be serviced by public utilities. The applicant shall provide the Township:

1. A will-serve letter from each public utility provider of electric, water, and sewer, and a written assessment by a certified professional in the field of engineering, hydrogeology, and/or utility design that there is sufficient capacity available to serve the proposed use for electric, water, and sewer consumption as well as the projected service needs for future municipal growth. Any such letters and assessments shall be to the satisfaction of the Township Engineer.

2. If the above-mentioned assessment identifies a detrimental impact or threshold where utility capacity is not sufficient, the applicant shall provide, at its own expense, the necessary system improvements necessary to eliminate any limits or system constraints to accommodate the proposed use. The necessary system improvements shall conform to all specifications, procedures, and timelines required for the public utility such as the relevant provisions of the Warwick Township Code, including but not limited to Chapter 153 ("Sewage Disposal") and Chapter 187 ("Water Conservation"). If any necessary electric or sewer system improvements are determined by both the Township Engineer and the respective public utility providers to be infeasible, then on-site utility methods for electric and/or sewer may be considered if developed in compliance with all Township ordinances, to the satisfaction of the Township Engineer.

3. The applicant shall provide proof of review and approval from the Delaware River Basin Commission for water withdrawals from ground water, impoundments, or running streams of 100,000 gallons per day or more over a 30-day average and for importation of water into or exportation of water out of the Delaware River Basin whenever the design capacity is 100,000 gallons per day or more.

4. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or nuclear energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.

I. **Emergency Management**

1. Requirements
   a. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall be reviewed and accepted by the local fire official and emergency management services as part of the conditional use process;
   b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
   c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
   d. Ensure that all first responders receive adequate training specific to the installed system;
   e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center.
2. Any Data Center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
3. No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

J. **Aesthetics**

1. Any Data Center and Data Center Accessory Use building façade that faces a road, RA, R1, R1A, R2, RR and RG district, existing residential use or sensitivity receptor must incorporate at least two of the following design elements every 150 horizontal feet:
   a. A change in building material, pattern, texture, or color;
   b. A change in building height;
   c. Building step-backs or recesses having a minimum depth of five (5) feet;

K. **Parking**

1. Data Centers are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is greater.
2. Parking areas shall be a minimum of 100 feet from any property line.

L. **Environmental Impact Assessment.** An Environmental Impact Assessment shall be conducted as part of the conditional use process. The assessment shall be prepared by a professional engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use, including location, relationship to other projects or proposals, with adequate data and detail for Warwick Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include a detailed examination of public resources most likely impacted by the development plan and include the following focus areas:

1. Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM2.5), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 5 or more trucks may park or congregate

2. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles, exists.

3. A stormwater management plan will be required.

4. Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

5. Additional considerations. The following shall also be addressed:
   a. Alternative analysis. A description of alternatives to the impacts.
   b. Adverse impacts. A statement of any adverse impacts that cannot be avoided.
   c. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
   d. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.

6. Critical impact areas. In addition to the above, plans should include any area, condition, or feature that is environmentally sensitive or that, if disturbed during construction, would have an adverse impact on the environment.
   a. The natural resource protection standards of §195-60 of this chapter shall be met.

b. A statement of impact upon critical areas and of adverse impacts that cannot be avoided.

c. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas during and after construction.

7. Threatened and Endanger Species.

a. PNDI: A Pennsylvania Natural Heritage Program study (PNDI Receipt) dated within two (2) years of the submission of an application for conditional use/special exception or subdivision and land development, whichever is first, as well as any state agency clearance letters required thereby, shall be provided to the municipality.

b. The applicant shall comply with all measures directed by the clearance letters to avoid, minimize, or mitigate impacts to endangered, threatened, and special concern species and their habitat.

M. **Green Building Techniques.** Data Centers are encouraged to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

1. Site Design. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes

a. Select sites that avoid sensitive lands such as wetlands, floodplains, and steep slopes

b. Minimize land disturbance

c. Maximize tree preservation

d. Minimize impervious surfaces

e. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

2. Energy/Resource Efficiency. Orient buildings to take advantage of passive cooling and daylight opportunities

a. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible

b. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours

c. Utilize reclaimed water for cooling, if available

d. Encourage systems that limit the use of finite natural resources and their disposal

e. Encourage fuel storage that limits impacts on the environment from potential spills

f. Install water-efficient landscape materials

g. Utilize LED exterior/interior lighting: Amber LED lighting shall be used for exterior lighting.

h. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED Certification system.

N. Construction Hours. Construction and related operation of heavy machinery, operating or permitting the operation of any tools, equipment or heavy machinery used in construction, drilling, or demolition work for a data center may occur only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, between 9:00 a.m. and 8:00 p.m. on Saturdays, and at no time on Sundays or legal holidays. The Township Manager may permit additional construction hours in his/her discretion upon request by an applicant, and may revoke or modify such additional construction hours in his/her discretion with or without request.

O. On-Site Solar Power Systems.

1. To the maximum extent technically feasible, as determined by the Township Engineer, the following surface areas relating to data centers shall be utilized for the generation of solar energy:

   a. Roof surfaces. 100% of the available unshaded roof area of the principal data center structure(s) shall be equipped with a rooftop-mounted solar photovoltaic system.

   b. Parking and loading areas. All off-street parking spaces, loading docks, and internal drive aisles shall be sheltered by carports or canopy structures. All such carports and canopies must be fully covered by solar photovoltaic systems, and shall maintain a minimum vertical clearance of at least fourteen (14) feet for emergency vehicle access where applicable.

   c. Vertical integration (solar walls). Building facades that face an eastern direction (from 45º up to 135º), southern direction (from 135º up to 225º), or western direction (from 225º up to and including 315º) shall incorporate building-integrated photovoltaics (or "BIPVs"). BIPVs may include solar siding, solar glass, or architectural solar louvers. BIPVs must cover no less than forty percent (40%) of such wall surface area.

   d. Data center accessory uses/structures and data center equipment. All data center accessory structures and data center equipment shall be covered on top by solar arrays which are part of the on-site solar photovoltaic system.

P. On-Site Energy Generation.

1. Any form of on-site energy generation, including solar power, substations, and fuel cell power stations, shall be approved by the Fire Chief of the fire company that provides primary fire coverage for the data center. The applicant shall submit a safety plan for the on-site energy generation use to the satisfaction and approval of the applicable Fire Chief. The property owner shall annually recertify the safety plan and allow for a site inspection by the applicable Fire Chief or his/her designee to identify any emergency response vulnerabilities and to identify compliance with the safety plan.

2. On-site electricity generation devices or systems shall be designed for "behind-the-meter" consumption separate from the power grid in order to reduce or offset the data center's consumption of electricity from the power grid. In the event that on-site electricity is generated in an amount that exceeds that required by the data center and its accessories and equipment, all such excess electricity shall be fed back into the power grid in accordance with the public electricity supplier's and Pennsylvania Public Utility Commission's ("PUC") regulations and guidelines.

Q. **Decommissioning.** The landowner or data center operator shall, at its expense, complete decommissioning of the data center within 12 months after the end of the useful life and shall post financial security with the Township in accordance with the procedures outlined in Section 509 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10509, to ensure the proper removal of all solar power system equipment. The geothermal system will presume to be at the end of its useful life if no energy is generated for a continuous period of 12 months. The removal of the aboveground data center components shall be completed within six months of decommissioning. All disturbed earth shall be restored, graded, and reseeded. The landowner shall secure a permit to decommission the data center, and the landowner shall be responsible for the following financial and inspection provisions as part of the decommissioning efforts:

[1] The landowner or facility operator shall execute a maintenance agreement.

[2] An independent and certified professional engineer may be retained by the Township to inspect the decommissioning of the geothermal system. All such inspection fees shall be paid by the applicant or landowner.

[3] If the landowner or facility operator fails to complete decommissioning during the prescribed period of 12 months, the Township may take such measures as necessary to complete decommissioning in accordance with the laws of Warwick Township and the Commonwealth of Pennsylvania. This includes use of any escrow provided in accordance with decommissioning.

Section 6. Section 195-16.I(4)(b) is amended as follows:

195-16.I(4)(b) Signs advertising a temporary community event shall be limited to two (2), 12 square feet in size on the premises that the event is being held. No more than four off-premises signs limited to six square feet in size shall be placed off-premises. The location of off-premises signs must be approved by the property owners of the properties upon which they are to be fixed. Such signs shall be posted no more than 14 days prior to the first day of the event and shall be removed on the final day of the event.

Section 7. Section 195-60.K(5) is amended as follows:

§195-60.K(5) Uses specifically prohibited in the RCCD. Any use or activity not authorized by Subsection K(4) of this section shall be prohibited within the RCCD. By way of example, the following activities and facilities are specifically prohibited:

(a) Clear-cutting of trees and other vegetation.

(b) Selective cutting of trees and/or the clearing of other vegetation within Zone One or Two except where such clearing is necessary to prepare land for a use permitted herein and where the effects of these actions are mitigated by revegetation, as specified herein.

(c) Removal of trees in excess of selective cutting, except where such removal is necessary as a means to eliminate dead, diseased, or hazardous tree stands that jeopardize public safety or as part of a reforestation project, provided that the removal is in compliance with a corridor management plan approved by the Township.

(d) Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and corridor protection.

(e) Storage of any hazardous or noxious materials.

(f) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Bucks County Conservation District.

(g) Roads or driveways, except where permitted as corridor crossings herein.

(h) Motor or wheeled vehicle traffic in any area not designated to accommodate adequately the type and volume.

(i) Parking lots for a use permitted herein.

(j) Subsurface sewage disposal areas.

(k) Sod farming.

(l) Topsoil removal.

Section 8. Section 195-60.K(7)(b) is amended as follows:

§195-60.K(7)(b) The developer, applicant or property owner shall submit to the Township Engineer a corridor management plan, prepared by a landscape architect, engineer, or other qualified professional, which fully evaluates the effects of any proposed uses on the Riparian Corridor Conservation District. The corridor management plan shall identify the existing conditions (vegetation, one-hundred-year floodplain, soils, slopes, etc.), all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to the Riparian Corridor Conservation District. The plan shall be approved by Township Board as part of the subdivision and land development process.

Section 9. 195-62.B(2)(a) is amended as follows:

§195-62.B(2)(a) Active open space shall be a parcel of land located by determination of the Township, which is generally flat, dry, and clear of any trees or other vegetation other than grass (required yard and buffer areas are not permitted in open space) and which is suitable for agricultural use or active recreational use, such as baseball, football, soccer, tennis, basketball, or other general municipal or school district uses. Active open space areas shall not merely be left over or unusable land. It shall be laid out to the satisfaction of the Board of Supervisors according to sound site design principles. Except where the active open space is suitable for and restricted to agricultural uses, active open space shall be accessible to a maximum number of residents. Active open space shall be one single area or a few large areas linked by a common means of access and circulation. Active open space shall be contiguous to the developed area and not separated from it by existing roads or streets unless safe pedestrian access can be provided. Active open space areas shall be developed by the applicant according to the Township requirements. In general, active open space shall have an area of not less than five acres. If, based on the requirements of this chapter, a tract of less than five acres would result, the Board may require such land to be located on the periphery of the development so that a tract of sufficient size will result when additional active open space land is obtained via dedication when adjacent land is developed. The recreation facilities or other general municipal or school district uses and design of active open space areas shall be subject to the approval of the Board of Supervisors. At the discretion of the Township Supervisors, the required active open space, recreational facilities, or other general municipal or school district uses may be provided.

Section 10. 195-97.A is amended as follows:

§195-97.A Temporary signs. All temporary signs, except those described in §195-97.1B , may be erected only after receipt of a permit from the Township. Permit fees are established by the Township Board of Supervisors. The permit will be issued only after the regulations outlined in Article XXII are

met to the satisfaction of the Zoning Officer.

Section 11: Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning 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 Township of Warwick that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 12. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 13. Codification. Pursuant to the Second Class Township Code and the Pennsylvania Municipalities Planning Code, the Township of Warwick Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

Section 14. Effective Date. This Ordinance shall take effect five (5) days after its adoption.