

WAYNE TOWNSHIP, SCHUYLKILL COUNTY,  
PENNSYLVANIA

ORDINANCE NO. 6 of 2023

**AN ORDINANCE OF WAYNE TOWNSHIP, SCHUYLKILL COUNTY,  
PENNSYLVANIA, AMENDING THE WAYNE TOWNSHIP ZONING ORDINANCE OF  
\_\_\_\_\_ TO REGULATE COMMERCIAL WAREHOUSING AND DISTRIBUTION  
CENTERS AND PERFORMANCE STANDARDS IN I - INDUSTRIAL ZONING  
DISTRICTS AND REGULATIONS THEREFORE**

**WHEREAS**, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

**WHEREAS**, pursuant to the authority afforded it by the Municipalities Planning Code, by Ordinance Number 2012-1, enacted on September 19, 2012, the Board of Supervisors of Wayne Township enacted the Wayne Township Zoning Ordinance of 2012 (“Zoning Ordinance”); and

**WHEREAS**, the Zoning Ordinance has been amended from time to time; and

**WHEREAS**, the Board of Supervisors of Wayne Township desires to amend the Zoning Ordinance to change the classification of commercial warehousing and distribution facilities from a permitted use to a use permitted by special exception for the I-Industrial Zoning District.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Wayne, Schuylkill County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code as follows:

**SECTION 1.** The Wayne Township Zoning Ordinance of 2012, Article II entitled “Definitions”, Section 201 entitled “Specific Terms”, is hereby amended to add the following terms and their definitions in alphabetical order:

**WAREHOUSE FACILITY:** Any commercial building or facility used for the purposes of the long or short term storage of goods. Warehouse facilities shall specifically not include buildings or facilities used for non-commercial storage, self-storage facilities, buildings or facilities customarily necessary or clearly incidental for the operation of other permitted uses.

**DISTRIBUTION FACILITY:** Any commercial building or facility used for the purposes of the distribution or shipping of goods or parcels. Distribution facilities shall specifically not include buildings or facilities used for non-commercial use, buildings or facilities customarily necessary or clearly incidental for the operation of other permitted uses.

SECTION 2. The Wayne Township Zoning Ordinance of 2012, Article IV entitled “District Regulations”, Section 407 Relating to the I-Industrial District, is hereby amended to read as follows (new language as amended denoted in *italic*):

Section 407 (I) – Industrial

407.1 Permitted Uses

- a. Heavy commercial uses, which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, including wholesale business, mechanical and vehicle equipment repair establishments, and dry cleaning plants;
- b. Heavy commercial uses which do not require complete enclosure in a building including materials, storage, and sales;
- c. General industrial uses which shall be carried on in a completely enclosed building and which include the storage, manufacture, assembly, fabrication, testing or other handling of products from raw materials and from other previously prepared materials, not including retail activity;
- d. Extractive industries.

407.2 Permitted Accessory Uses located on the same lot with the permitted principal use.

- a. Off-street parking and loading facilities and signs pursuant to Section 505;
- b. Factory retail outlet stores provided that the products sold are manufactured, assembled and produced on the premises;
- c. Restaurants, cafeterias or recreational facilities for employees only;
- d. Offices for administrative personnel;
- e. Accessory uses and structures to permitted uses.

407.3 Uses Permitted by Special Exception

- a. Single-Family residence pursuant to the minimum requirements as per Sections 404.2, 404.4, 404.5, 404.6;
- b. Accessory uses, structures or buildings not located on the same lot as the principal use;
- c. Accessory buildings or structures used to store equipment, parts or materials provided that there are no sales in connection with such use;
- d. Agricultural Fairgrounds.
- e. *Storage and warehousing establishments, truck and freight terminals, delivery and distribution centers,*



407.4

#### Performance Standards

All permitted, accessory uses shall conform to the following performances standards as applicable:

1. Odor – no emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the tract.
2. Toxic Gases – no emission of noxious, toxic or corrosive gases or fumes injurious to persons, property, or vegetation, shall be permitted outside the lot lines of the tract.
3. Glare and Heat – no visible or objectionable glare and/or heat from any process shall be evident to properties adjoining the operation. Direct glare from incandescent exposed lights shall not be visible from adjoining street and properties.
4. Liquid Wastes or Sewage – no discharge is permitted into a reservoir, sewage, or storm disposal system, stream, open body of water, or into the ground, of any materials in such way or of such nature or temperature as could contaminate any water supply or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances – oil, grease, acids, alkalines, and other chemicals are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection and the Water and Sewer Authority.
5. Vibration – vibration perceptible beyond the lot line shall not be permitted.
6. Noise – no noise shall be audible beyond the lot line exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
7. Smoke, Soot, or Dust – the emission of grey smoke at a density greater than No. 2 on a Ringelmann Chart, published by the U.S. Bureau of Mines, shall not be permitted.
8. Electric or Electric Interference – electric or electric devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
9. All raw materials, fuel, machinery, and equipment used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such design and height to conceal all operations and materials from the view of an observer standing at grade level of an existing residential district line or public street.

10. *Any proposed use that shall require the use of tractor trailers, combination vehicles, or industrial vehicles in excess of 35 Ft. shall be required to conduct and submit a highway safety study to ensure safe ingress and egress to any proposed building or facility.*
11. *Any proposed use shall expressly prohibit the idling of diesel or other large vehicles and machinery.*
12. *Any proposed industrial use shall conduct and submit an environmental impact study. To preserve the natural beauty and biodiversity of the township and to ensure the safe agricultural and residential use of surrounding areas, no proposed facility shall disrupt or negatively impact any stream, watershed, aquifer, spring or other waterway. Further, no proposed facility shall materially negatively impact or materially disrupt the natural ecosystem.*
13. *Storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, shall be required to provide restroom, cafeteria, and vending facilities for drivers. Such facilities shall be provide seating for no less than 3/4 of the docks at such facility at any given time.*
14. *Buffer Areas. Any proposed use or facility shall create a buffer area and shall plant on such buffer area trees and or shrubs to completely obscure the proposed facility from any adjacent residential or agricultural facilities.*
15. *Any proposed use that shall provide parking, storage, or charging of commercial electric vehicles (EVs) shall be required to provide adequate fire suppression systems for the number of charging stations and or proposed number of stored vehicles.*

407.5 Minimum Lot Size

Sufficient to provide for buildings all required yards, and off-street parking and loading requirements.

407.6 Minimum Yard Dimensions

Front Yard	40 feet
Each Side Yard	20 feet
Rear Yard	20 feet

Provided, however, no permitted or accessory building or structure shall be constructed within fifty (50) feet of any residential district boundary.



All lot lines abutting a residential district along the side or rear shall be appropriately screened by fences, walls, and/or other suitable enclosures having a minimum height of four (4) feet and a maximum height of seven (7) feet or be equivalently screened by year round planting.

407.7	Maximum Building Coverage and Height	
	Maximum Building Coverage	50%
	Maximum Building Height (Feet)	40

SECTION 3. Repeal of Ordinances and Resolutions.

Any ordinance or resolution or part of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 4. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 5. Effective Date.

This Ordinance shall become effective five (5) days after enactment, as provided by law.

SECTION 6. Zoning Ordinance.

The Wayne Township Zoning Ordinance of 2012, Ordinance Number 2012-1, enacted on September 19, 2012, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Zoning Ordinance upon enactment.

DULY ORDAINED and ENACTED as an Ordinance this 20 day of December, 2023.

BOARD OF SUPERVISORS OF  
WAYNE TOWNSHIP,  
SCHUYLKILL COUNTY, PENNSYLVANIA

x. *Stanley B. Fidler*  
Chairman

*Charles [unclear]*  
Vice Chairman

*John A. Fidler*  
Member

ATTEST:

*Judie Job*  
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 6-2023 adopted by the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania at a regular meeting held on December 20, 2023, pursuant to notice as required by law.

Dated: 12/20/23

Audie Job  
Wayne Township Secretary