

# Model Zoning Provisions to Mitigate Impacts of Large Scale Development and Implement Conservation of Public Resources

**Warehousing, distribution centers and wholesale trade establishments are permitted by conditional use or special exception, subject to the following criteria:**

## Definition of Facility under this ordinance

**DISTRIBUTION CENTER:** An establishment of commercial building and its related external uses which is stocked with products (goods) to be redistributed to wholesalers, retailers, or directly to consumers. A distribution center is usually (but not exclusively) a principal part of an order fulfillment process. A distribution center may include a "warehouse", a "fulfillment center", a "cross-dock facility", a "bulk break center", a "package handling center" or by another name.

**WAREHOUSE:** A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

**TRUCK STOP/MOTOR FREIGHT TERMINAL:** A building and related external facilities of which the principal use designed as one functioning site in which various services and amenities are provided for the comfort, convenience and safety of those engaged in the trucking distribution industry and other motorists. Suitable examples include vehicle filling stations, vehicle repair and services, vehicle washing, dining and lodging, laundromats, rest lounges and areas, travel-related retail shops, gift shops, locker rooms and bathing facilities, and similar uses.

## General - Performance Standards

No person may construct or operate a distribution center, warehouse, or truck stop/motor freight terminal without first applying for and receiving a permit from the municipality.

The application will include a plan that has been completed in accordance with section \_\_\_ of this ordinance..

The owner or operator of the distribution center, warehouse, or truck stop/motor freight terminal will be responsible to ensure the performance standards compliance during operations, by providing specific certification requirements on an annual basis or as specified. The municipality may conduct/contract a certification inspection and charge a fee for the inspection.

## General - Warehouse, Distribution Center, Truck Stop or Motor Freight Terminal

The applicant for warehouse, distribution center, truck stop or motor freight terminal shall provide a detailed description of the plan for proposed use in each of the following topics wherever applicable:

- a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the frequency of truck stops, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
- b. The general scale of the operation, in terms of its vehicles entering and exiting daily, specific floor space requirements for each activity, truck load accumulations or the total number of truck stops, the total number of employees on each shift, and an overall needed site size, etc.
- c. An environmental impact assessment submitted with zoning permit application for a conditional use or an exception. The applicant may contract this assessment to an expert/agency approved by the township. The assessment shall include detailed examination of public resources will be most likely impacted by the development plan. For each such area, the assessment should include:
  - Standards/Regulations set by by National, State, or local government agencies, with specific measurement or references,
  - Potential impact as results from the development plan, and
  - Proposal of mitigation plan with performance standard.
  - Preservation of natural, scenic, historic and esthetic values.

The environmental impact assessment should include at least five 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.
2. Truck traffic impact from truck flow load on highways and usage of entrance or exit near the proposed warehouse location. A traffic impact report prepared by a professional traffic engineer, according to the local municipality's Subdivision and Land Development Ordinance (SLDO) shall be submitted with the permit application.
3. The potential for public nuisance injury to local residents resulted from operations and truck traffic, including noise, glare/light, visual obstacles, etc.
4. Stormwater Runoff from parking lots and large warehouse buildings. A stormwater management plan prepared by a professional engineer shall be submitted with the permit application.
5. Consistency with the municipal and county comprehensive plan.

To facilitate economic and environmental benefits from the re-use of existing buildings for distribution centers, warehouses, truck stops or motor freight terminals, the municipality may waive a detailed examination for one or more areas in the environment impact assessment. For example, stormwater runoff examination may be exempted if the applicant can demonstrate that the existing stormwater infrastructure is adequate to handle runoff and/or the project will reduce stormwater runoff. The developer may file an exemption request specifying the reasons for consideration.

## Warehouse/Distribution Center Specific Requirements

### Air pollution

- 1.1 The application shall include an expert report on the methods that will be used to assure that the proposed use will not contribute materially to air pollution and will comply with all applicable Federal Environmental Protection Agency air quality standards.
- 1.2 Fugitive emissions - emissions from trucks or stationary sources shall not be visible across the property line.
- 1.3 The owner or operator of the facility shall have anti-idling signs prominently posted in an area where 15 or more trucks may park or congregate.
- 1.4 Truck certification - The owner or operator of the facility may require the owner of trucks entering the facility to provide evidence of current diesel engine emission control certifications.
- 1.5 The owner/operator of the facility shall establish and maintain an approved evergreen shrub/tree line with a minimum height of six feet along the property line adjacent to any residential buildings.
- 1.6 The owner/operator of the facility shall ensure that all vehicles in the facility comply with Diesel Motor Vehicle Idling Act, 35 P.S. § 4601, et seq.
- 1.7 The owner/operator of the facility shall post signs in compliance with the Diesel Motor Vehicle Idling Act.

### Traffic load and flow

- 2.1 The applicant shall assess traffic impact to highways around the facility.
- 2.2 The facility operator shall be responsible to optimize local road vehicular access to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads.
- 2.3 Exit from Highway  
- parking location No parking or loading/unloading shall be permitted on or along any public road.

2.4 Loading location Distribution centers shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads.

2.5 Distribution centers shall not be permitted more than 2 miles from an arterial road.

## Nuisances to residents

3.1 Noise - To limit noise impacts, normal hours of operations shall be from 6 am to 11 pm. Noise from operations at the facility shall not exceed 60 decibels as measured at the property line. The operator shall maintain a noise barrier or evergreen shrub/tree line at any property line adjacent to a residential zoned area.

3.2 The operator of the facility shall provide sufficiently-long stacking lanes and on-site loading/unloading areas, so that trucks waiting to be loaded/unloaded will not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road. The off-street loading/ unloading space shall be not less than ten (10') feet wide, and 35' in length, and fourteen (14') feet in height, when covered.

3.3 Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with arterial roads.

3.4 Setback Distance from residential area, schools/daycare facilities. The facility shall be located no closer than five hundred feet (500') from any residential property and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus.

3.5 Proximity to arterial roads. The facility shall be located not farther than a particular distance (2 miles) from an expressway/Interstate interchange and should be located upon an "arterial" road (or the municipality denotes as its major-class road -- that is, a road with at least two lanes in each direction).

3.5 Glare/Light. Floodlights and other sources of glare off-property shall be turned off from 11pm - 6am

## Stormwater Runoff

4.1 Volume of stormwater (warehouse size)

The applicant shall design and install a stormwater runoff system that does not increase the post-development total runoff volume for all storms equal to or less than the 2-year/24-hour event, or

stormwater facilities shall be sized to capture at least the first two inches (2") of runoff from all contributing impervious surfaces.

4.2 The applicant shall consider stormwater controls using best management practices (BMPs), which shall include:

- Infiltration - examination of soils in surrounding area to allow infiltration
- Capture and Reuse - by capture-and-reuse storage systems

- Vegetation systems - vegetation roof or rain garden or trees for the natural hydrologic regime, evapotranspiration that returns rainfall to the atmosphere.

4.3 The applicant shall not increase the peak rate of discharge for the 1-year through 100-year events (at minimum); as necessary, provide additional peak rate control as required.

## Consistency with Municipal and County Comprehensive Plan

5.1 Where the zoning district is included in the municipal or county comprehensive plan, the applicant shall submit an assessment report of the impact of the proposed use on the goals of the plans.

5.2 The assessment report shall be prepared by a certified planner.

5.3 Where the proposed use will conflict with the comprehensive plan, the assessment report shall identify mitigation measures which may be undertaken to offset any degradation, diminution or depletion of public natural resources.

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## Tri-County Model Zoning Ordinance (Cumberland, Dauphin, Perry)

### Section 1880. Truck Stops or Motor Freight Terminals

A. Within the (I-2) Zone, truck stops or motor freight terminals are permitted by conditional use or special exception, subject to the following criteria:

1. The subject property shall have a minimum of three hundred feet (300') of road frontage along an arterial road;
2. The subject property shall be located no closer than fifteen hundred feet (1500') from a (R-1), (R-2), (R-3) or (VMU) Zone and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing, rest or retirement home;
3. Air compressors, fuel pump islands and kiosks and other structures may be within fifteen (15') of the street ROW line.
4. All access drives onto the same road shall be at least one hundred fifty feet (150') from one another, as measured from closest points of cartway edges;
5. Off-street parking shall be provided at a rate equal to that required for each of the respective uses. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons.

6. Trash receptacles shall be provided amid off-street parking areas which shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant;

7. All uses involving drive-thru restaurant and/or drive-thru vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;

8. All vehicle service and/or repair activities shall be conducted within a completely-enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;

9. The outdoor storage of unlicensed vehicles is prohibited.

10. All vehicles and machinery shall be repaired and removed from the premises promptly;

11. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival;

12. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;

13. The applicant shall submit a traffic impact report as governed by the (municipality) Subdivision and Land Development Ordinance.

14. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations. In addition, the applicant shall prepare, present and abide by an emergency response plan to handle hazardous material spills and any other reasonable threat to public health or safety; and,

15. Minimum lot size is 10 acres.

#### Section 1881. Warehousing and Wholesale Trade Establishments

A. Within the (I-1) and (I-2) Zones, warehousing and wholesale trade establishments are permitted by conditional use or special exception, subject to the following criteria:

1. The applicant shall provide a detailed description of the proposed use in each of the following topics:

a. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;

b. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;

c. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in this Ordinance.

2. A traffic impact report prepared by a professional traffic engineer, according to (Municipality) Subdivision and Land Development Ordinance; and,
3. Minimum lot size is one (1) acre.