

## Performance Standards Review - Legal Review received 8/19/21

~~5.6.3~~ **4.13 Performance standards** - ~~In addition to the specific standards listed under Section 5.6.2 for conditional use approval, a~~ All conditional uses shall also meet the following performance standards ~~prior to issuance of conditional use approval~~ at all times:

*[Remove Performance Standards from Section 5.6.3. Renumber Sections 5.6.4 through 5.6.8 accordingly]*

- ~~a) Sounds resulting from the activity shall meet the requirements of Section 4.10, Noise, of these Zoning Regulations.~~
- ~~b) Exterior lighting of any kind shall meet the requirements of Section 4.11, Exterior Lighting, of these Zoning Regulations.~~
- ~~e) a) No vibration resulting from the activities shall be measurable at the lot lines.~~
- ~~d) b) No odors resulting from the activities shall be discernible at the lot lines.~~
- ~~e) c) Smoke emissions shall not exceed number two (2) on the Ringelman Chart.~~
- ~~f) d) No dust, dirt or fly-ash shall exceed two-tenth (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.~~
- ~~g) e) No noxious gases resulting from the activity shall be discernible at the lot lines.~~
  
- f) **Industrial Hazardous or toxic materials and wastes shall be stored on and removed from a - the lot in manners as to be not reasonably objectionable to - without causing detrimental effects to the adjacent lots, or - create a public nuisance or pollute the environment. to public or environmental health. These substances shall be stored only within a structure.**
- i) All uses, ~~including the storage of flammable liquids in above or below ground tanks,~~ shall comply with all Federal and State regulations for the use, storage, ~~hauling~~ transport and disposal of hazardous materials and wastes.
- ~~j) No fire, explosives, radioactive material or other safety hazard shall be permitted that endangers public health, safety or welfare, or neighboring properties or public facilities; or that results in a significantly increased burden on municipal facilities or services.~~
- g) No use shall cause, create, or result in a significantly increased burden on municipal facilities and services.
  
- ~~j) k) h) No heat shall be discernible at the lot lines.~~

**Clean version (new portions in red)**

**4.13 Performance standards** - All uses in all districts, including nonconforming uses, shall meet the following performance standards at all times:

a) No vibration resulting from the activities or use of a lot shall be measurable at the lot lines.

b) No odors resulting from the activities or use of a lot shall be discernible at the lot lines.

c) Smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart.

d) No dust, dirt or fly-ash from the activities or use of a lot shall exceed two-tenth (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.

e) No noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines.

**f) Hazardous materials and wastes shall be stored on and removed from a lot without causing a release or the threat of a release from a facility on detrimental effects to a lot or on adjacent lots, and any such storage, or use and/or removal shall protect the public health, safety, welfare and the environmental health. All uses shall comply with all federal and state laws, rules and regulations for the use, storage, transport, and disposal of hazardous materials and wastes.**

**g) No use shall cause, create, or result in an undue adverse impact significantly increased burden on municipal facilities and services.**

**h) No heat shall be discernible at the lot lines.**