

# **ZONING ORDINANCE**

**2003**

**ELIZABETH TOWNSHIP  
LANCASTER COUNTY, PENNSYLVANIA**

**Adopted**

**September 8, 2003**

**PREPARED BY:**

**RETTEW<sup>SM</sup>**

**TOWNSHIP OF ELIZABETH**

Lancaster County, Pennsylvania

**ORDINANCE NO. 2003-03**

THE ELIZABETH TOWNSHIP ZONING ORDINANCE OF 2003, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR AGRICULTURAL, RESIDENTIAL, INDUSTRIAL AND COMMERCIAL PURPOSES; REGULATING THE BULK SIZE OF BUILDINGS, STRUCTURES AND OTHER USES; ESTABLISHING ZONING DISTRICTS AND REGULATIONS FOR USES WITHIN EACH SUCH DISTRICT; DEFINING TERMS USED IN THE ORDINANCE; ESTABLISHING PERFORMANCE STANDARDS AND REGULATIONS FOR USES; PROVIDING FOR THE APPOINTMENT OF A ZONING OFFICER; PROVIDING FOR THE ADMINISTRATION OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF A ZONING HEARING BOARD AND THE POWERS AND DUTIES OF SUCH BODY; ESTABLISHING REQUIREMENTS FOR PERMITS AND FEES; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Elizabeth, Lancaster County, Pennsylvania, as follows:

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**ARTICLE 1  
BACKGROUND PROVISIONS**

**SECTION 101 SHORT TITLE**

This Ordinance shall be known and may be cited as the "Elizabeth Township Zoning Ordinance of 2003."

**SECTION 102 PURPOSE**

This Ordinance is enacted to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood panic or other dangers. This Ordinance is enacted in accordance with an overall planning program, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

**SECTION 103 SCOPE**

From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height and area, added to, or relocated, and every use within a building or structure or use accessory thereto, in Elizabeth Township shall be in conformity with the provisions of this Ordinance. Any existing building or land not in conformity with the regulations herein prescribed shall be regarded as non-conforming but may be continued, extended, or changed subject to the special regulations herein provided with respect to non-conforming buildings, structures, or uses.

**SECTION 104 INTERPRETATION**

In interpretation and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Township.

**SECTION 105 CONFLICT**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

## **SECTION 106 VALIDITY**

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

## **SECTION 107 USES NOT PROVIDED FOR**

If a use is neither specifically permitted nor prohibited in any zoning district under this Ordinance, the applicant may make application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if it is (i) of the same general character of the enumerated permitted uses in the zone in which the subject property is located, (ii) in accordance with the intended purpose of the zoning district, (iii) compatible with the permitted uses in the zone, and (iv) shall comply with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character as in accordance with the intended purpose of the zone permitted uses, is compatible with the permitted uses in the zone and shall comply with all performance standards applicable to such permitted uses in the zone.

## **SECTION 108 ESTABLISHMENT OF ZONES**

For the purpose of this Ordinance, Elizabeth Township is hereby divided into zones that shall be designated as follows:

- Agricultural Zone (A)
- Rural Zone (R)
- R-1 Suburban Residential Zone (R-1)
- R-2 Village Residential Zone (R-2)
- Village Commercial Zone (VC)
- Highway Commercial Zone (HC)
- Industrial Zone (I)
- Limited Industrial Zone (LI)
- Business Campus Zone (BC)
- Conservation Zone (C)
- Floodplain Zone (F)

## **SECTION 109 ZONING MAP**

The areas within Elizabeth Township, as assigned to each zone and the location of the zones established by this Ordinance, are shown upon the Zoning Map, which together with all explanatory matter thereon, is attached to and is declared to be a part of this Ordinance.

## **SECTION 110 ZONE BOUNDARY LINES**

The zone boundary lines shall be as shown on the Zoning Map. Zone boundary lines are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, and streams at time of passage of this Ordinance, the corporate boundary of the Township or as dimensioned on the map. In the event of dispute about the location of the boundary of any zone, the Zoning Officer shall investigate and render a decision on the location of the line. Appeals from this decision shall be made to the Zoning Hearing Board.

- A. The boundaries between districts are, unless otherwise indicated:
  - 1. Lot or property lines as they exist on plans of record at the time of the adoption of this ordinance;
  - 2. The center lines of streets, highways, waterways, or railroad rights-of-way; or.
  - 3. Such lines extended or lines parallel thereto.
- B. Where a figure is shown on a zoning map between a right-of-way or lot line and a district boundary line, it indicates that the zone boundary line runs parallel to the right-of-way or lot line at that distance from it.
- C. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- D. Where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map.

**SECTION 111 USE ADJUSTMENT ON DISTRICT BOUNDARIES**

In unsubdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

- A. The permitted use of the more restricted district may extend not more than 50 feet into the less restricted district.
- B. The use in a less restricted district may extend over the portion of the lot in the more restricted district a distance of not more than fifty (50) feet beyond the district boundary line providing such extension does not extend the frontage of the less restricted district along a street.
- C. The frontage of the less restricted district may extend over the portion of the lot in the more restricted district a distance of not more than fifty (50) feet beyond the district line providing a conditional use is granted by the Board of Supervisors.

For the purposes of this section, the districts in order of hierarchy from most restrictive to least restrictive is as follows:

- R-1 Suburban Residential Zone (R-1)
- R-2 Village Residential Zone (R-2)
- Conservation Zone (C)
- Agricultural Zone (A)
- Rural Zone (R)
- Village Commercial Zone (VC)
- Business Campus (BC)
- Highway Commercial Zone (HC)
- Limited Industrial Zone (LI)
- Industrial Zone (I)]



## SECTION 112 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Elizabeth Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above. The Ordinance is enacted with regard to the following community development objectives:

- A. To guide the future development of the Township in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationship among the agricultural, residential, commercial, and recreational areas within the Township having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses.
- B. To preserve the pastoral and rural character of the Township by continuing agricultural and rural residences as the dominant land uses.
- C. To protect the sensitive environmental conditions inventoried in the Township Comprehensive Plan.
- D. To provide for commercial and industrial land use that is sufficient to accommodate the Township's local business needs.
- E. To protect the character and the social and economic stability of all areas of the Township, and to provide for their orderly and beneficial growth.
- F. To protect and conserve the value of land and buildings throughout the Township appropriate to the various zones established herein.
- G. To aid in bringing about the most beneficial relationship between land use and the circulation of traffic throughout the Township, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.
- H. To aid in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal and for private enterprise in building development, investment and other economic activity relating to land use.
- I. To focus growth and development in those areas that are characterized by acceptable environmental conditions for such development.

## SECTION 113 DEFINITIONS

- A. WORD USAGE - Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section.
- B. LANGUAGE INTERPRETATION - In this Ordinance, when not inconsistent with the context, words in the present tense include the future tense and words in the future tense include the present tense. The singular number shall include the plural, and the plural number shall include the singular. The masculine gender shall include the feminine gender and the neuter. The terms "shall" or "must" are mandatory, and the term "may" is permissive.

- C. SPECIFIC WORDS AND PHRASES - The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance:

ACCESS DRIVE - A private drive providing vehicular access to and between parking areas for more than two parking spaces within a land development; any drive servicing two or more units of occupancy on a single lot. (SEE ALSO DRIVEWAY).

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building. Accessory uses include, but are not limited to, such uses as fences and walls, swimming pools, detached storage sheds, detached garages, tennis courts, etc.

ACT - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, December 21, 1988, P.L. 1329, No. 170 et seq., as amended from time to time.

ADULT-RELATED FACILITY. An establishment which engages in one or more of the following areas of sales, services or entertainment:

1. Adult Bookstore - Any establishment or place:
  - a. which has a substantial or significant portion of its stock in trade consisting of the following items:
    - 1) Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas; and/or
    - 2) Instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or
  - b. to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital area.
2. Adult Theater - Any theater, auditorium, or other place of assembly (1) presenting any form of audio and/or visual material, and in which a substantial portion of the total presentation time measured over any consecutive twelve (12) month period is or will be devoted to the showing of material which is distinguished or characterized by emphasis on depiction, description or display of sexual activities or uncovered male or female genital areas, or (2) featuring live performances on a regular basis which are distinguished or characterized by emphasis on depiction, description or display of sexual activities or by exposure of uncovered male or female genital areas for observations by patrons.

3. Massage Establishment - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist licensed by the Commonwealth, or a practitioner of therapeutic massage who is a member of the Associated Bodywork and Massage Professionals or similar nationally-recognized organization. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
4. Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment - Any other establishment which primarily offers its patrons or members retail goods, commercial services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing, or displaying sexual activity or conduct or uncovered male or female genital areas.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in commercial production and preparation for market of crops, livestock, etc. The term includes activities that are consistent with the practices and procedures that are normally engaged in by farmers or are consistent with technological development.

AGRICULTURAL PRODUCTION - The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator.

AGRICULTURE - The production, keeping or raising, for sale lease or personal use, of plants and animals useful to man, including but not limited to: forage and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; horticulture including: fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, gardening and greenhouse products; or lands devoted to a soil conservation or forestry management program.

ALTERATIONS - Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls. Any renovation to a building which would change its use.

AMUSEMENT ARCADE - An establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g. pinball machines, video games, skeetball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or less such devices as an accessory use.

ANIMAL, DOMESTIC - Any dog, cat, equine animal, bovine animal, sheep, goat, or porcine (swine) animal.

ANIMAL, EXOTIC - Members of the family Felidae except those species commonly called house cats and members of the family Canidae except those licensed by the Pennsylvania

Department of Agriculture. Exotic animals shall also include all non-native animals, but excepting small animals and birds customarily kept as house pets.

ANIMAL, WILD - All animals falling into one of the following categories as defined by Title 34 of the Pennsylvania Game and Wildlife Code:

1. BIG GAME - Elk, deer, bear and wild turkey.
2. FURBEARER - Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcat.
3. GAME ANIMALS - Elk, deer, bear, cottontail, snowshoe hare, red, gray and fox squirrels.
4. GAME BIRDS - Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

ANIMAL UNIT (ANIMAL EQUIVALENT UNIT) - One thousand (1,000) pounds liveweight of livestock or poultry animals, regardless of the actual numbers of animals comprising the unit as defined by the Pennsylvania Nutrient Management Act.

ANTENNA HEIGHT - The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

APARTMENT - Any dwelling unit which is located within a single structure along with at least one (1) other dwelling unit or with a non-residential use, each having a separate location within such structure.

APARTMENT, CONVERSION - A multi-family dwelling constructed by converting an existing building into independent dwelling units for more than one family, without substantially altering the exterior of the building.

APARTMENT HOUSE (OR APARTMENT BUILDING) - A detached building consisting of three (3) or more dwelling units.

AUTOMOBILE FILLING STATION - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

AUTOMOBILE SALES - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly enclosed building.

AUTOMOBILE SERVICE - The retail repair, servicing, maintenance and reconstruction of passenger vehicles but not including car washes per se.

BASE FLOOD - The flood having a one (1%) percent chance of being equaled or exceeded in any given year (100-year flood).

BASE FLOOD ELEVATION - The projected flood height of the base flood.

BED AND BREAKFAST - A single-family detached dwelling, where between one and five rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

BEEKEEPING - The raising or keeping of bees within a man-made box (beehive) for hobby or business purposes.

BILLBOARD - An off-premise, permanent sign that directs attention to a product, service, business or cause.

BOARD - The Zoning Hearing Board of Elizabeth Township.

BOARDING HOUSE - A building or portion thereof arranged or used for sheltering or feeding, or both, as a gainful business, more than five (5) and not more than ten (10) individuals that do not constitute a family, but excluding criminals, half-way houses, and homes for the elderly in need of medical care.

BUFFER AREA - A landscaped area intended to be used as a means of limiting the effects created by a use on adjoining properties, streets and uses.

BUILDING - Any structure with a roof intended for shelter or enclosure of persons, animals or property.

1. Detached: A building that has no party wall.
2. Semi-detached: A building that has only one party wall in common.
3. Attached: A building that has two or more party walls in common

BUILDING, ACCESSORY - A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

BUILDING, FARM - A building for agricultural uses, namely barns, poultry houses, corncribs, silos, and other similar farm structures.

BUILDING, PRINCIPAL - A building which is enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed for housing, shelter, enclosure, and support of individuals, and is the main structure on a given lot.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

**BUILDING HEIGHT** - A building's vertical measurement from the mean level of the ground abutting the building to the highest point of the roof.

**BUILDING LINE** - The actual line of that face of the building nearest an adjacent right of way or street line. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

**CAMPGROUND** - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

**CAMPSITES** - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

**CELL SITE** - A commercial communications antenna site occupied by a cellular telephone antenna and accessory facilities.

**CEMETERY** - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

**CHANNEL** - A natural or artificial watercourse with a definite bed and banks that confine and conduct continuously or periodically flowing water.

**CHURCH AND RELATED USES** - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and other church-related residences. This definition shall not include commercial schools.

**CLUB, PRIVATE** - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

**CLUSTER DEVELOPMENT** - A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

**COLUMBARIUM** - A structure of vaults for cinerary (crematory) urns.

**COMMERCIAL RECREATION FACILITY** – SEE “RECREATION FACILITY”.

**COMMUNICATIONS ANTENNA:** - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: - An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER: - A Structure other than a building, such as a monopole, self supporting or guyed tower, designed and used to support Communications Antennas.

CONDITIONAL USE - A use which may not be appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and criteria prescribed for such uses have been complied with. Conditional uses are reviewed by the Board of Supervisors after recommendations by the Planning Commission, in accordance with Section 704 of this Ordinance.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONVENIENCE STORE - Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods for off-site consumption, and other goods commonly associated with the same.

CREMATORIUM - An establishment containing a crematory furnace.

CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS - Crops, livestock and livestock products shall include but are not limited to the following:

1. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
2. Fruits, including apples, peaches, grapes, cherries and berries.
3. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.
4. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
5. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur bearing animals, milk, eggs and furs.
6. Timber, wood and other wood products derived from trees.
7. Aquatic plants and animals and their byproducts.

DAY CARE FACILITY, CHILD OR ADULT - Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regularly scheduled child or adult day care services other than the following are provided. Where applicable, said facility shall be licensed by the Commonwealth of Pennsylvania, and shall not provide overnight accommodations.

1. The temporary or occasional care of any number of children or adults not related to the person giving care, which takes place at the home of the person giving care.
2. The temporary or occasional care of any number of children or adults not related to the person giving care, which takes place at the home of the person receiving care.

Child and adult day care facilities shall be further differentiated by the following two classifications:

1. DAY CARE FACILITY - A facility which provides care for (1) a combined total of seven or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.
2. FAMILY DAY CARE HOME - Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six non-dependent children or adults per day.

DECISION - The final adjudication of the Zoning Hearing Board and the Board of Supervisors for cases under its jurisdiction as identified in Section 604 of this Zoning Ordinance. Appeals from a decision go directly to the Court of Common Pleas.

DEDICATION - The deliberate appropriation of land by its owner for general public use.

DEED - A written instrument whereby an estate in real property is conveyed.

DEED RESTRICTION - A restriction upon the use of a property placed in a deed.

DENSITY - A term used to express the allowable number of dwelling units per acre of land.

1. Density, Net: The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, floodplains or wetlands.
2. Density, Gross: The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, exclusive of exterior public rights-of-way.



DETERMINATION - A final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The governing body:
2. The zoning hearing board: or
3. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets or other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

DRAINAGE EASEMENT – A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

DRIVEWAY - A private drive providing vehicular access between a street or access drive and a parking area for a single residential unit of occupancy or a private drive for non-residential uses permitted to provide less than three parking spaces. (SEE ALSO ACCESS DRIVE).

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, offering overnight accommodations for guests or patients. All dwellings shall be properly connected to approved and permanently designed sewer, water, electrical and other utility systems.

1. Single-Family Detached: A freestanding building containing one dwelling unit for one family, and having two (2) side yards, one (1) front yard, and one (1) rear yard; in the case of a corner lot, the building will have two (2) front and (1) side and rear yards. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings so long as they comply with the general requirements of a dwelling.
2. Duplex - (Two-family; single-family semi-detached): A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration. Those units placed on common grounds shall have one front and rear yard and two side yards. Those units constructed on individual lots shall have one front, side and rear yard.
3. Multiple Family: A building containing three or more dwelling units, at least one of which must be located above or below the remaining units.

4. Townhouse: A building containing between three and eight dwelling units arranged in a side-by-side configuration with one or more common party walls.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EARTHMOVING ACTIVITY - Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, but excluding the tilling of the soil.

EASEMENT – A right granted by a landowner to a grantee, allowing for limited use of private land for a public or quasi-public or private purpose, and with which the landowner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ECHO HOUSING - An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption to the occupants of the principal dwelling.

EXISTING - For the purposes of this Ordinance, existing shall mean “in existence on the effective date of this Ordinance (October 1, 2003) unless another date is indicated”.

FAMILY - For the purposes of this Ordinance, a family shall be defined as follows:

1. Two or more persons related by blood (within and including the degree of first cousin), marriage or adoption, including foster children, living together in a single housekeeping unit and sharing all of the facilities of that unit in common;
2. Not more than two unrelated persons, persons related to either or both of them by blood (within and including the degree of first cousin) or adoption, and including foster children, provided, however, that they live together in a single housekeeping unit and share all of the facilities of that unit in common; or,
3. One or more individuals with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, who live together primarily for purposes relating to their disabilities as the functional equivalent of a family in a shared living arrangement licensed or certified by the appropriate County, Commonwealth or Federal agency.

FARM - Any parcel of land of at least ten (10) acres in size which is used principally for gain in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures, farm dwellings and the storage of equipment customarily incidental to the primary use.

FARM DWELLING - A dwelling unit occupied by the farm owner, whether or not he is farming the land, or by permanently employed persons and their families who receive housing in lieu of all or part of their wages.

FARM DWELLING, ACCESSORY - An accessory farm dwelling is a second dwelling having as its occupant(s) an owner or one or more full-time laborers (or any family member thereof) on the farm.

FARM OCCUPATION - An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FLOOD - A temporary inundation of normally dry land areas.

1. 100-YEAR FLOOD - A flood that has one (1) chance in one hundred (100) or a one percent (1%) chance of being equaled or exceeded in any given year.
2. 500-YEAR FLOOD - A flood that, on the average, is likely to occur once every 500 years.

FLOODPLAIN – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically included in this Ordinance as being inundated by the one hundred (100) year flood. Included would be areas identified as floodway, flood fringe and general floodplain.

FLOODPROOFING - Any combination of structural and non-structural additions, changes or adjustments to properties and structures that reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY - That portion of the FP – Floodplain Zone required to carry and discharge the waters of the one hundred (100) year flood without increasing the water surface elevation at any point more than one (1) foot above the existing conditions.

FLOOD ELEVATION - The projected heights, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

FLOOR AREA, GROSS (GLA) - The sum of the floor areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FUNERAL HOME – A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, or entombments, but do include mortuaries and crematoria.

GARAGE, PRIVATE – An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation, or service is conducted for profit therein and no more than one (1) space therein for a vehicle or vessel is leased to a nonresident of the premises.

GARAGE, PUBLIC – Any structure, other than a private garage, that is used for storage, repair, rental, servicing or supplying of gasoline or oil for motor vehicles for compensation.

GREENHOUSE – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

COMMERCIAL GREENHOUSE – A greenhouse which is part of a retail sales operation for the sale of plants and related equipment and supplies.

HAZARDOUS WASTE - Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, for agricultural operations, and from community activities, or any combination of the above, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

HAZARDOUS WASTE FACILITY - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Township.

HEALTH AND RECREATION FACILITY - A facility that offers active recreational and/or fitness activities. Such facilities do not include golf courses.

HEAVY COMMERCIAL USE - A commercial use with a predominantly manufacturing or industrial character due to the extent of production, repairing, or storing of goods, such as contractor's yards, or storage tanks.

HEAVY INDUSTRIAL USE - SEE "INDUSTRIAL USE, HEAVY".

HEIGHT, BUILDING - A building's vertical measurement from the mean level of the ground abutting the building to the highest point of the roof.

HEIGHT, STRUCTURE - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

HISTORIC STRUCTURE - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior in states without approved programs.

HOME BUSINESS - An occupation, profession, activity or use conducted within a single-family detached dwelling unit or existing accessory building by the residents thereof and not more than two non-resident employees. Home business uses are intended to be of a service nature and may involve the incidental purchase and/or sale of goods on the premises. The use shall be clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no external evidence of the home business except a permitted sign, and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Since the use may be of such nature that may require regular visits by customers and/or deliveries, adequate off-street parking space shall be required in addition to the spaces required for the residential use.

HOME OCCUPATION - A no-impact home-based business which is a business or commercial activity administered or conducted as an accessory use, which is clearly and secondary to the use as a residential dwelling and which involves neither customer, client, or patient traffic, nor pickup, delivery, or removal functions, in excess of those normally associated with residential use. The use shall be of such nature that will not require regular visits by customers and/or deliveries and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare.

HORTICULTURE - The growing of fruit, vegetables, flowers, ornamental plants, or trees for a profit.

HOSPITAL - A place for the diagnosis, treatment, or other care of humans and having facilities for inpatient care.

HOTEL - An establishment which is open to transient guests and in which lodging with or without meals is offered for compensation and in which there are sleeping accommodations for more than ten (10) individuals.

IMPERVIOUS MATERIAL – Any substance placed on a lot which covers the surface in such a fashion as to prevent natural absorption of surface water by the earth. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved and gravel driveways and parking areas, swimming pools and other nonporous structures or materials.

INDUSTRIAL USE -

1. HEAVY INDUSTRIAL USE – Manufacturing, processing, packaging, sales, storage and wholesaling of products, which, because of their shipping, storage, noise, dust, odors, hours of operations and other requirements, should not be located in close proximity to residential areas. Examples include: foundries, steel fabrication and mills, large scale manufacturing or processing operations, paver plants, breweries, pickling processes, rendering or slaughtering operations, refineries, solid waste disposal or processing, truck or motor freight terminals, concrete/asphalt plants, etc.
2. LIGHT INDUSTRIAL USE - Manufacturing, processing, packaging, sales, storage and wholesaling of products which are characterized by smaller scaled and non-intrusive operations that can be compatible with neighboring residential and other uses. Examples include: farm machinery sales, contractor, printing, small engine repair and machine shops, lumber yard and building supplies and other small scale industrial uses, etc.

INTENSIVE AGRICULTURAL OPERATION - Any agricultural animal operation which exceeds two (2) animal equivalent units (AEUs) per acre on an annualized basis.

INTERIOR DRIVE - Any on-site vehicular movement lane(s) that are associated with a use other than a single-family dwelling.

JUNK - Any discarded materials or articles, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, tires, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK YARD - Any unlicensed place where junk, as herein defined, is stored, accumulated, or disposed of. (SEE SALVAGE YARD). The deposit or storage on a lot (other than in a licensed salvage yard) of one or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a "junk yard." (A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that is required to and does not have a valid current registration plate or a certificate of inspection which is more than 60 days beyond the expiration date.) Unlicensed vehicles and equipment routinely used in agricultural operations and/or construction operations on the property on which they are parked or stored shall not constitute a "junk yard."

KENNEL - A structure on any lot on which animals (except livestock, horses, or poultry) are kept, boarded, raised, bred, treated, or trained for a fee, including but not limited to dog or cat kennels.

LAND DEVELOPMENT - Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Except as provided below, development in accordance with Section 503. (1.1) of the Municipalities Planning Code.

Land Development shall not include the following:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park.
4. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any

condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LANDSCAPE STRIP - SEE "BUFFER AREA".

LANDSCAPING - Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs, and bushes, and may also include mulch and/or decorative stone.

LANE – A private access and/or a vehicular drive exclusively serving agricultural production, horticultural and/or forestry related activities and farm occupations.

LIVESTOCK - Any living creature maintained for commercial use or profit, but not maintained as a pet.

LOADING SPACE - An off-street space or area suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOT - A parcel of land separately described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of Lancaster County by deed description or is described by an approved subdivision plan recorded in the Office of the Recorder of Deeds of Lancaster County.

1. LOT, CORNER - A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Front yards are required on all street frontages. One yard other than a front yard shall be deemed a rear yard, and the other, or others, side yards.
2. LOT, FLAG - A lot whose frontage does not satisfy the minimum width requirements for the respective zone but that does have sufficient lot width away from the lot's frontage.
3. LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.
4. LOT, THROUGH - An interior lot having frontage on two parallel or approximately parallel streets.

LOT AREA - The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT COVERAGE - A percentage of the lot area which may be covered with all impervious materials.



LOT DEPTH - The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and through lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT WIDTH - The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise specified, lot width shall be measured at the actual building setback line and shall parallel the street line even if it is curvilinear.

MAINTENANCE GUARANTEE – Financial security filed by the developer with the Township to secure structural integrity of all required improvements as well as the functioning of said improvements for an initial period of time.

MANURE - The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITIES - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, inground storage, trench silo, earthen bank, stacking area, and aboveground storage.

MAUSOLEUM - A building for entombment of the dead above ground.

MEDICAL OR DENTAL CLINIC - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

MINERALS - The term includes, but is not limited to, any aggregate, earth, fill, coal, oil, and natural gas.

MINIWAREHOUSE - A building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MIXED USE - Occupancy of a building or land for a commercial and an accessory residential use.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in Section 437 of this Ordinance. Mobile homes placed on individual lots shall be considered single-family-detached dwellings, and be bound by the requirements there imposed. For the purposes of Section 209 of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than 180 days in any calendar year shall be considered a mobile home.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

MOTEL - A hotel primarily for transients traveling by motor vehicles with a parking space for each lodging unit and with access to each unit directly from the outside.

MUNICIPAL USE - Any use owned or operated by the Township or an authority created by the Township or under contract to the Township.

MUSEUM - A facility for the public display of items, materials, or information that are related to some historic, educational, cultural, or scientific purpose. Museums can include related accessory uses (e.g. restaurant, gift shop and etc.) so long as these remain incidental to the primary museum use. Museums can be operated as a business but shall not involve the retail sales of museum displays.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered. For the purposes of this definition, "live entertainment" is meant to include the use of disc jockeys for the purposes of supplying musical entertainment. Nightclubs may also provide for the on-site consumption of food. Additionally, nightclubs can offer the retail sale of carryout beer and wine as an accessory use. This is meant to include an "under 21" club which features entertainment.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, non-conforming signs.

NON-CONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance, or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL - Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NORMAL FARMING OPERATIONS - The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock and livestock products and in the

production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities.

NURSING, REST OR RETIREMENT HOMES - Facilities designed for the housing, boarding, and dining associated with some level of nursing care.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

ON-SITE SEWER SERVICE - On-site sewer service is the disposal of sewage by use of septic tanks, or other safe and healthful means within the confines of the lot on which the use is located as approved by the PADEP.

ON-SITE WATER SERVICE - On-site water service is a safe, adequate and healthful supply of water to a single user from a private well.

ONE HUNDRED YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

PA DEP - Pennsylvania Department of Environmental Protection

PARENT TRACT: When used in determining the permissible number of lots which may be subdivided or dwellings or other principal nonagricultural uses which may be erected in the (A) Agricultural Zone, all contiguous land held in single and separate ownership, regardless of whether

1. such land is divided into one or more lots, parcels, purparts or tracts;
2. such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or
3. such land is bisected by public or private streets or rights-of-way,

which was held by the landowner or his predecessor in title on July 20, 1986, or, if such land was not classified as the (A) Agricultural Zone on July 20, 1986, which was held by the landowner or his predecessor in title on the date such land was first classified as (A) Agricultural Zone after July 20, 1986.

PARKING COMPOUND - An open lot where passenger vehicles may be stored for short-, or overnight off-street parking, and connected to a street by an access drive.

PARKING LOT - An accessory use in which required and additional parking spaces are provided subject to the requirements listed in Section 311 of this Ordinance.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARKS, PUBLIC - Those facilities designed and used for recreation purposes by the general public and owned and or operated by a governmental body. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, and amusement arcades.

PENNDOT - Pennsylvania Department of Transportation

PERSON - An individual, corporation, partnership, association, estate, trust, or other legally recognized entity, and the officers of such corporation or the members of such partnership or association.

PLANNING COMMISSION - The Planning Commission of Elizabeth Township.

PLANNED CENTER - A group of uses planned and designed as an integrated unit with controlled ingress and egress and shared off-street parking provided on the property as an integral part of the unit. Such centers also may include "planned center signs" as regulated herein.

PREMISES - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses. The following are not considered to be a part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premise advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
2. Any land that is used for, or devoted to, a separate purpose unrelated to the advertised activity.
3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is nonbuildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

PRESERVATION OR PROTECTION - Conservation and safeguards of natural and historic resources. Not to be interpreted to authorize the unreasonable restriction of forestry, mining, or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second, and third class as defined by the U.S. Department of Agriculture.

PRINCIPAL USE - SEE "USE, PRINCIPAL".

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the act of July 3, 1986 (65 Pa. C.S. §701 et seq.), known as the Sunshine Act.

PUBLIC SEWER - A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the PADEP. Such systems are capable of serving multiple users.

PUBLIC USES - Includes public and semi-public uses that are specifically established to offer some public welfare, health, safety or recreation services to the residents, businesses and landowners of Elizabeth Township. Such uses can include parks, fire stations, municipal buildings and garages, and etc. Churches and schools are not included in this definition.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a public utility corporation, municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

PUBLIC WATER - A municipal water supply system, or a comparable common water facility approved and permitted by the PADEP. Such systems are capable of serving multiple users.

RECREATION FACILITY - A facility, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, miniature golf courses, museums, etc. This does not include adult-related uses or amusement arcades, as defined herein.

RECYCLING CENTER - Any facility that is involved in the recycling of paper, plastic, glass, and metal products, including the collection and storage of such materials on-site following recycling.

RECYCLING COLLECTION FACILITY - An accessory use which serves as a collection point for the temporary storage of refuse items, such as, but not limited to, bottles, cans, plastics, and newspapers, from which resources are recovered at another location.

RECYCLING PLANT - A facility that is not a junkyard or a salvage yard, and in which recoverable resources, such as newspapers, magazines, books, and other paper products,

glassware, metal cans, plastics, and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

REGULATORY FLOOD ELEVATION - An elevation equal to one and one-half (1 1/2) feet higher than the surface water elevation associated with the one hundred year flood as defined herein.

REPORT - A written document such as a letter, review, or memorandum made by any body, board, officer, or consultant other than a solicitor for the purpose of rendering a decision or a determination. All reports are deemed recommendatory and advisory only.

RESIDENTIAL ZONE – Includes all zoning districts where a residential use is a permitted use.

RESTAURANT - An establishment that serves prepared food primarily on nondisposable tableware, but can provide for incidental carry-out service so long as the area used for carry-out service does not exceed five (5%) percent of the total patron seating area nor eighty (80) square feet (whichever is less). Caterers shall be included in this definition.

RESTAURANT - DRIVE-THRU OR FAST FOOD - An establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

RETAIL STORE/SALES - Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities as defined herein.

RIDING CLUB – An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction and equestrian competition may be offered, including but not limited to polo clubs, public show rings and rodeos.

RIDING STABLE – An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction may be offered, but excluding riding clubs.

RIGHT-OF-WAY - A corridor of publicly owned land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "Street Line.").

SALVAGE YARD - A lot, land or structure, or part thereof, properly licensed by the Commonwealth of Pennsylvania, which is used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof (SEE "JUNK YARD").

SATELLITE DISH ANTENNA - A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electro-magnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

SCHOOL – A principal use in which supervised education and/or instruction is offered.

SCREENING - The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a use or property from other elements or from adjacent or contiguous development.

SETBACK - The minimum required horizontal distance between a setback line and a property or street line.

1. SETBACK, FRONT - The distance between the street right-of-way line and the front setback line projected the full width of the lot. Commonly, called "required front yard."
2. SETBACK, REAR - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard."
3. SETBACK, SIDE - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard."

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance between some particular use of property and that property or street line.

SHOOTING RANGE – A place where members of the public, for a fee or by invitation, can discharge firearms for recreation, competition, skill development and training. For the purpose of this Ordinance, a firearm shall include any instrument that uses a propelling charge to move a projectile (e.g., rifle, gun, shotgun, pistol, air gun, or archery). A shooting range does not include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SIGN - A structure or other outdoor surface or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of an individual, business, organization, or institution. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention from outside the building or structure to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. A sign shall not include flags or other insignia of any government, fraternal, or similar organization.

SOLID WASTE - Any waste, including but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

SPECIAL EXCEPTION - A use that is generally compatible with a particular zone once specified criteria have been met. Special exception uses are listed by zone and approved by the Zoning Hearing Board in accordance with Section 604.3 of this Ordinance.

**STOCKYARDS** - An industrial use whereby livestock are imported to, stored upon and exported alive from the site. In no case shall any slaughtering or rendering operations be permitted.

**STORAGE** – A function involving the deposition of materials, goods and/or products for safekeeping.

**STORY** – That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story, having seventy-five (75) percent or more of its wall area above grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plate of which on at least two (2) opposite exterior walls is not more than two (2) feet above such story.

**STREET** – A public or private right-of-way which includes street, avenue, boulevard, road, highway, freeway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic and/or pedestrians, whether public or private.

**STREET CENTERLINE** - The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

**STREET LINE (RIGHT-OF-WAY LINE)** - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

**STRUCTURE** - Any manmade object, including buildings, having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

1. **STRUCTURE, ACCESSORY** - A structure associated with an accessory use, (e.g. swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc).
2. **STRUCTURE, PRINCIPAL** - A structure associated with a primary use.
  - A. Structures shall not include such things as fences, sandboxes, decorative fountains, swingsets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

**SUBSTANTIAL DAMAGE** - Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or:



2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TAVERN - An establishment that serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no live entertainment shall be permitted.

TOWNSHIP - Elizabeth Township.

TRAVEL TRAILER - A portable structure, primarily designed to provide temporary living quarters for recreation, camping or travel purposes. In addition to the above, any of the following attributes are characteristic of a "travel trailer":

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self-propelled, or when hauled by a standard motor vehicle on a highway.
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewage, and
5. The unit contains some identification by the manufacturer as a travel trailer.

TWO-FAMILY CONVERSIONS - The conversion of an existing single-family detached dwelling unit to contain two separate dwelling units.

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

1. USE, ACCESSORY - A use customarily incidental and subordinate to the principal use or building and located on the same lot with this principal use or building.
2. USE, PRINCIPAL - The main or primary use of property or structures.

USE AND OCCUPANCY PERMIT - A permit issued by the Zoning Officer certifying a use's compliance with information reflected on the zoning permit and the Zoning Ordinance.

VARIANCE - A modification of any provision of this Ordinance granted by the Zoning Hearing Board subject to findings specified by the Act.

VETERINARIAN'S OFFICE - A building used primarily for the treatment, by a veterinarian, of all types of animals. No outdoor boarding of animals is permitted.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WIND ENERGY CONVERSION SYSTEM (WECS) - Any device which converts wind energy to mechanical or electrical energy.

WECS UNIT - Shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

YARD - An area between the permitted structures and the property lines.

1. YARD, FRONT - The area contained between the street right-of-way line and the principal structure.
2. YARD, REAR - The area contained between the rear property line and principal structure.
3. YARD, SIDE - The area(s) between the principal structure and any side lot line(s).

ZONING - The designation of specified districts within a community or township, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

ZONING PERMIT - A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the Zone in which it is to be located.

## ARTICLE 2 ZONE REGULATIONS

### SECTION 201 AGRICULTURAL ZONE (A)

- A. Purpose - The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas most suitable for such activities. This Zone also intends to protect and stabilize the Township's viable agricultural economy by eliminating uses that are incompatible with farming, but permitting limited agricultural support businesses. Consequently, residential uses are limited and any future inhabitants in this Zone must be willing to accept the impacts associated with normal farming practices, and related businesses.
- B. Permitted Uses
1. Agriculture, intensive agriculture and agricultural production, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, subject to the standards listed in Section 303.
  2. Single-family detached dwellings and farm dwellings.
  3. Public uses.
  4. Manure storage facilities subject to the criteria listed in Section 302.I of this Ordinance.
  5. Home occupations (See Section 433).
  6. Family day care homes (See Section 425).
  7. Beekeeping (See Section 409).
  8. Churches and church related uses (See Section 415).
  9. Cemeteries, when accessory to a principal use permitted by this section 201.B (See Section 414).
  10. Riding schools or horse boarding stables (See Section 445).
  11. Municipal uses and structures.
  12. Farm occupations (See Section 426).
  13. Roadside stands for the sale of agricultural products grown on the site (See Section 454).
  14. Accessory uses customarily incidental to and on the same lot as the above permitted uses.

C. Special Exceptions Uses (See Section 604.C).

1. Animal hospitals, veterinary facilities (See Section 405).
2. Home businesses (See Section 433).
3. Bed and breakfast (See Section 408).
4. Two-family conversions (See Section 452).
5. ECHO Housing (See Section 424).
6. Accessory farm dwellings.
7. Kennels (See Section 435).

D. Conditional Uses (See Section 704).

1. Airport/Heliport (See Section 403).
2. Spent mushroom compost processing and/or commercial mushroom operations (See Section 449).

E. Lot Area Requirements

1. Agricultural use - Ten (10) acres.
2. Single-family detached dwellings only, in accordance with the following:
  - a. For each twenty-five (25) acres of contiguous land in single ownership as of July 20, 1986, there may be one (1) lot sold or utilized for a single-family detached dwelling, provided that the minimum lot area shall be 32,000 square feet, and a maximum lot size of two (2) acres, or as required to meet DEP requirements for on-lot water supply and sewage disposal.
  - b. For each tract of contiguous land in single ownership that is two (2) acres or more, but less than twenty-five (25) acres, as of July 20, 1986, there may be only one (1) lot sold or utilized for a single-family dwelling. The lot area shall be a minimum of 32,000 square feet, and a maximum of two (2) acres, or as required to meet DEP requirements for on-lot water supply and sewage disposal.
  - c. The provisions of Paragraph 2.a and 2.b of this Section shall apply to all parcels of land legally existing on July 20, 1986. Regardless of size, no tract of land subsequently subdivided from its parent tract shall qualify for additional single-family detached dwellings or lots pursuant to this Section. Similarly, any subsequent owner of any parcel of land legally existing on July 20, 1986 shall be bound by the actions of previous owners in that such current owner may only subdivide for purposes of additional single-family dwellings the number of lots, if any, remaining from the original number permitted by this Section.

Any subdivision or land development plan hereafter filed for a tract of land in the Agricultural Zone shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single-family detached dwellings as determined by the provisions of this Section.

In the event a tract of land, which was not classified as part of the Agricultural Zone on July 20, 1986, is hereafter classified as part of the Agricultural Zone, the size and ownership of such tract of land shall be determined as of the effective date of the change in the zoning classification.

3. Other Permitted, Special Exception, or Conditional Uses - Unless otherwise specified, all other principal uses shall contain at least one (1) acre. Except as specifically stated, in no case shall any nonagricultural use contain more than five (5) acres.

F. Minimum Lot Width

Two hundred (200) feet at the minimum front yard setback line; one hundred and fifty (150) feet at the lot frontage.

G. Minimum Setbacks and Maximum Height Requirements

1. Agricultural uses (other than farm dwellings)
  - a. Front yard setback - Fifty (50) feet
  - b. Side yard setback - Fifty (50) feet on each side (100 feet total)
  - c. Rear yard setback - Fifty (50) feet
  - d. Maximum permitted height - One hundred fifty (150) feet provided all structures are set back a distance at least equal to their height from all property lines.
  - e. These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines. (See Section 318).
2. Single-family detached dwellings (including farm dwellings)
  - a. Front yard setback - Fifty (50) feet from street right-of-way line
  - b. Side yard setbacks - Twenty-five (25) feet on each side (50 feet total)
  - c. Rear yard setback - Fifty (50) feet
  - d. Maximum permitted height - Thirty-five (35) feet
3. Other permitted, special exception or conditional uses - Unless otherwise specified, the following requirements shall apply to all other principal uses permitted within the Agricultural Zone:
  - a. Front yard setback - Fifty (50) feet from the street right-of-way line

- b. Side yard setbacks - Fifty (50) feet on each side (100 feet total)
  - c. Rear yard setback - Fifty (50) feet
  - d. Maximum permitted height - Thirty-five (35) feet
4. Accessory Uses and Structures - Unless otherwise specified, the following requirements shall apply to accessory uses:
- a. Front yard setback - No accessory use (except permitted signs) shall be located within the front yard and in front of a residence.
  - b. Side yard setbacks -
    - 1) Structures up to 15 feet high - six (6) feet
    - 2) Structures 15 to 35 feet high - fifteen (15) feet
  - c. Rear yard setback -
    - 1) Structures up to 15 feet high - six (6) feet
    - 2) Structures 15 to 35 feet high - fifteen (15) feet
  - d. Maximum permitted height - Thirty-five (35) feet

- H. Maximum Lot Coverage
1. Agricultural uses - Twenty-five (25%) percent.
  2. Single-family dwellings - Twenty (20%) percent.
  3. Other uses (unless otherwise specified) - Twenty (20%) percent.
- I. Required Conservation Plan - Any agricultural production, horticultural or forestry related uses which involves earthmoving activities, or the commercial harvesting or timbering of vegetation shall require the obtainment of an approved conservation plan by the Lancaster County Conservation District, pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site activities shall then be in compliance with the approved conservation plan.
- J. Driveways and Access Drives - All driveways serving single-family dwellings and farm dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry related activities and farm occupations shall be exempt from driveway and access drive requirements.
- K. All uses permitted within this Zone shall also comply with the General Provisions contained within Article 3 of this Ordinance.
- L. Agricultural Nuisance Disclaimer - All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.
- M. Vegetation Setback Requirement - No shrub, nor tree shall be planted within ten (10) and fifteen (15) feet, respectively, of any adjoining farm.

## SECTION 202 (R) RURAL ZONE

A. Purpose - The primary purpose of this Zone is to promote a continuation of the rural character of the area, characterized by a mixture of agricultural and sparsely developed residential uses. In addition, other small-scale nonresidential uses have developed. This Zone will continue these development trends but will install additional protection for agricultural uses and rural residences from the impacts of other nonresidential uses. These areas are not likely to be served by public sewer or water facilities within the foreseeable future; therefore, larger lot sizes are indicated. This Zone has been deliberately located away from large areas of productive farmlands; nonetheless, extensive areas have been placed within this Zone owing to the Township's overall rural flavor. Because of the vastness of these areas, some steep slopes are included. For this reason, specific lot design requirements have been imposed on steeply sloped development sites. Finally, several intensive land uses have been allowed within this Zone by conditional use. These uses have been targeted for the rural landscape as a means of protecting the Township's sensitive environmental features, its prime agricultural soils and its other more densely populated portions. Numerous protective criteria are attached to these uses to ensure their compatibility within this and other Zones within the Township. Residential uses are limited and any future inhabitants in this Zone must be willing to accept the impacts associated with normal farming practices, and related businesses.

### B. Permitted Uses

1. Agriculture, intensive agriculture and agricultural production, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, subject to the standards listed in Section 303.
2. Single-family detached dwellings and farm dwellings.
3. Public parks.
4. Public uses.
5. Churches and church related uses (See Section 415).
6. Cemeteries, when accessory to a principal use permitted by this Section 202.B (See Section 414).
7. Municipal uses and structures.
8. Home occupations (See Section 433).
9. Farm occupations (See Section 426).
10. Family day care homes. (See Section 425).
11. Beekeeping (See Section 409).
12. Riding school and/or horse boarding stable (See Section 445).
13. Roadside stands for the sale of agricultural products grown on the site, (See Section 454).



14. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.

C. Special Exception Uses (Subject to the procedures presented in Section 604.3 of this Ordinance).

1. Animal hospitals, veterinary facilities (See Section 405).
2. Bed and breakfasts (See Section 408).
3. Boarding house (See Section 411)
4. Clubhouses for private clubs (See Section 416).
5. ECHO housing (See Section 424).
6. Home businesses (See Section 433).
7. Retail sale of nursery and garden materials (See Section 444).
8. Two-family conversions (See Section 452).
9. Campgrounds (See Section 412).
10. Golf courses and golf driving ranges (See Section 428).
11. Educational institutions (See Section 441).
12. Riding clubs (See Section 445).
13. Accessory farm dwellings, when accessory to an existing farm (See Section 401).
14. Kennels (See Section 435).

D. Conditional Uses (Subject to the procedures presented in Section 704 of this Ordinance).

1. Quarries and other extractive-related uses (See Section 442).
2. Septage and/or solid waste disposal and processing facilities (See Section 448).

- E. Design Standards - Unless specified elsewhere, the following table prescribes lot area, width and coverage, as well as minimum yard requirements for uses within this Zone:

Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front Yard	One Side	(Both sides)	Rear Yard
Agricultural	10 acres	200'	25 %	50'	50'	(100')	50'
All other permitted uses	2 acres	250'	20 %	50'	30'	(60')	50'
All permitted uses if more than 50 percent of site possesses slopes in excess of 15%	3 acres	250'	10%	50'	30'	(60')	50'
Accessory Uses and Structures*	NA	NA	NA	not permitted in front yard			
15 feet high or less					6'		6'
15 to 35 feet high					15'		15'

\* These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.

F. Maximum Permitted Height

1. Principal buildings and structures - Thirty-five (35) feet
2. Accessory buildings and structures - Thirty-five (35) feet
3. Agricultural buildings and structures - One hundred fifty (150) feet provided all structures are setback a distance at least equal to their height from all property lines.

- G. Driveways and Access Drives - All driveways serving single-family dwellings and farm dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry related activities and farm occupations shall be exempt from driveway and access drive requirements.

- H. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

- I. Vegetation Setback Requirement - No shrub, nor tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any adjoining farm.

- J. Agricultural Nuisance Disclaimer - All lands within the Rural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

## SECTION 203 (R-1) SUBURBAN RESIDENTIAL ZONE

- A. Purpose - This Zone is meant to accommodate suburban residential growth within the Township. No public sewer and/or public water utilities are foreseeable within this Zone; therefore, minimum lot area requirements have been sized to provide sufficient space to install on-site utilities. Additionally, the minimum lot size has been specified to allow the use of an initial on-site sewage disposal system and an alternative system, should the initial system fail. Uses permitted within this Zone have been limited so to create a pleasant neighborhood setting.
- B. Permitted Uses
1. Agriculture and agricultural production, except intensive agriculture, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock subject to the standards listed in Section 303.
  2. Single-family detached dwellings and farm dwellings.
  3. Public parks.
  4. Public uses.
  5. Municipal uses and structures.
  6. Home occupations (See Section 433).
  7. Family day care homes (See Section 425).
  8. Roadside stands for the sale of agricultural products grown on the site (See Section 454).
  9. Accessory uses customarily incidental to and on the same lot as the above permitted uses.
- C. Special Exception Uses (Subject to the procedures presented in Section 604.C of this Ordinance).
1. Home businesses (See Section 433).
  2. Bed and breakfasts (See Section 408).
  3. Farm occupations (See Section 426).
  4. Accessory farm dwelling, when accessory to an existing farm (See Section 401).

D. Design Standards - Unless specified elsewhere, the following table prescribes lot area, width and coverage, as well as minimum yard requirements for uses within this Zone:

Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Yard Setbacks			
					Front Yard	One Side	(Both sides)	Rear Yard
Agricultural	10 acres	200'	NA	25 %	50'	50'	(100')	50'
Agricultural accessory uses	Subject to the same setback requirements as agricultural buildings above***							
All other permitted uses	1 acre*	200**	175'	20 %	50'	30'	(60')	50'
Accessory Uses and Structures***	NA	NA		NA	not permitted in front yard (except permitted signs)			
15 feet high or less						6' (each side)		6'
15 to 35 feet high						15' (each side)		15'
<p>* The minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PA DEP through its sewer module review process.  ** One hundred and fifty (150) feet at the lot frontage.  *** These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.</p>								

E. Maximum Permitted Height

1. Principal buildings and structures - Thirty-five (35) feet.
2. Accessory buildings and structures - Thirty-five (35) feet.
3. Agricultural buildings and structures - One hundred fifty (150) feet provided all structures are setback a distance at least equal to their height from all property lines.

F. Driveways and Access Drives - All driveways serving single-family dwellings and farm dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry related activities and farm occupations shall be exempt from driveway and access drive requirements.

G. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.

H. Vegetation Setback Requirement - No shrub, nor tree shall be planted within ten (10) or fifteen (15) feet, respectively, of any adjoining farm.

## SECTION 204 (R-2) VILLAGE RESIDENTIAL ZONE

- A. Purpose - This Zone seeks to accommodate the higher density housing needs of the Township in and around its existing Villages. A wide range of housing types is allowed with densities exceeding those permitted elsewhere in the Township. These increased densities are permitted only when the use of public sewer and/or public water utilities is assured. The location of this Zone is logically related to the Township's Village Commercial Zone, in the hopes of minimizing automobile usage in favor of pedestrian movements
- B. Permitted Uses
1. Agriculture and agricultural production, except intensive agriculture, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 303.
  2. Single-family detached dwellings and farm dwellings.
  3. Duplexes, if both public sewer and water facilities are utilized.
  4. Townhouses, if both public sewer and water facilities are utilized.
  5. Multiple-family dwellings, if both public sewer and water facilities are utilized.
  6. Public parks.
  7. Public uses.
  8. Municipal uses and structures.
  9. Home occupations (See Section 433).
  10. Family day care homes (See Section 425).
  11. Roadside stands for the sale of agricultural products grown on the site, (See Section 454).
  12. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
- C. Special Exception Uses (Subject to the procedures presented in Section 604.3 of this Ordinance).
1. Home businesses (See Section 433).
  2. Bed and breakfasts (See Section 408).
  3. Commercial day care facilities (See Section 418).
  4. Farm occupations (See Section 426).
  5. Accessory farm dwelling, when accessory to an existing farm (See Section 401).

D. Conditional Uses (Subject to the procedures listed in Section 704).

1. Cluster development (See Section 417).
2. Nursing, rest, or retirement homes (See Section 440)
3. Mobile home parks (See Section 437).

E. Design Standards for Single-Family Detached Dwellings Special Exception and Conditional Uses (unless otherwise noted) - See Table 2-1 below:

Table 2-1							
Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	Maximum Lot Coverage	Minimum Yard Setbacks			
				Front	Side	Both Sides	Rear
None	43,560 sq.ft. <sup>2</sup>	150 ft.	25 %	50 ft.	25 ft.	50 ft.	50 ft.
Public water	32,670 sq. ft. <sup>2</sup>	120 ft.	30 %	50 ft.	20 ft.	40 ft.	50 ft.
Public sewer	20,000 sq. ft.	100 ft.	35 %	50 ft.	20 ft.	40 ft.	40 ft.
Both public sewer and public water	10,000 sq. ft.	80 ft.	40 %	35 ft.	15 ft.	30 ft.	35 ft.
Accessory Uses and Structures*	NA	NA		NA	not permitted in front yard (except permitted signs)		
15 feet high or less						6' (each side)	6'
15 to 35 feet high						15' (each side)	15'
<p>1 Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than 70 percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.</p> <p>2 The minimum required lot size may be increased to ensure an acceptable level of nitrate-nitrogen in the adjoining groundwater. Such determinations will be made by the PA DEP, through its sewer module review process.</p>							

F. Design Standards for Other Uses with Public Sewer and Public Water Utilities - See Table 2-2 below:

Use	Minimum Lot Area (sq. ft.)	Maximum Density (Units per Net Acre)	Minimum Lot Width <sup>1</sup>	Maximum Lot Coverage	Minimum Yard Setbacks			
					Front	Side	Both Sides	Rear
Duplexes	7,260	6	50'	40%	30'	25'	(NA)	30'
Townhouses <sup>2</sup>	2,000	8	20'	60%	30'	15'	(End Units)	30'
Multiple Family <sup>3</sup>	87,120	8	200'	60%	50'	30'	(60')	50'
Other Uses	43,560	NA	200'	30%	50'	30'	(60')	50'
Accessory Uses and Structures*	NA	NA		NA	not permitted in front yard (except permitted signs)			
15 feet high or less						6' (each side)		6'
15 to 35 feet high						15' (each side)		15'

1 Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than 70 percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

2 No more than 20 percent of the total number of townhouse groupings shall contain more than six (6) units and in no case shall any grouping contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be setback a minimum of fifteen (15) feet from any parking facilities contained on commonly held lands. All townhouse buildings shall be setback at least 30 feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

3 In those instances where several multiple-family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances will be provided between each building:

- Front to front, rear to rear, or front to rear, parallel buildings shall have at least eighty (80) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
- A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

G. Design Standards for Agricultural Uses - See Table 2-3 below:

Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Yard Setbacks*			
					Front Yard	One Side	(Both sides)	Rear Yard
Agricultural	10 acres	200'	NA	25 %	50'	50'	(100')	50'
Agricultural accessory uses	Subject to the same setback requirements as agricultural buildings above							

\* These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.

- H. Maximum Permitted Height
1. Principal buildings and structures - Thirty-five (35) feet.
  2. Accessory buildings and structures - Thirty-five (35) feet.
- I. Driveways and Access Drives - All driveways serving single-family dwellings and farm dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry related activities and farm occupations shall be exempt from driveway and access drive requirements.
- J. All uses permitted within this Zone shall also comply with the General Provisions contained in Article 3 of this Ordinance.
- K. Vegetation Setback Requirement - No shrub, nor tree shall be planted within ten (10) and fifteen (15) feet, respectively, of any adjoining farm.



## SECTION 205 VILLAGE COMMERCIAL ZONE (VC)

- A. Purpose - The purpose of this Zone is to provide basic convenience commercial goods and services to local residents who live in the existing Villages. Uses have been limited to those that residents are likely to need on a daily or regular basis. Overall, retail size has been restricted to prevent the establishment of intensive commercial uses that exceed the local orientation of this Zone. These Zones have been sized to permit a grouping of several businesses; lot sizes may vary depending upon the use of public utilities. Finally, several larger and more intensive uses have been allowed (by special exception or conditional use) because of their provision of commercial conveniences for local residents; however, numerous protective requirements have been imposed to protect adjoining land uses.
- B. Permitted Uses
1. Agriculture and agricultural production, except intensive agriculture, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 303.
  2. Offices.
  3. Banks and similar financial institutions.
  4. Restaurants (but not including drive-thru or fast food restaurants, taverns or nightclubs).
  5. Retail sale and/or rental of goods provided the total sales and/or display area is less than 3600 square feet.
  6. Retail services including barber/beauty salons, music, dance, art or photographic studios and repair of clocks and small appliances.
  7. Medical or dental clinics.
  8. Veterinarian offices provided no outdoor keeping of animals is permitted (See Section 405).
  9. Public uses.
  10. Single-family detached, duplexes, townhouses and/or multiple family dwellings subject to the requirements of the R-2 Village Residential Zone listed in Section 204.
  11. Churches and church related uses (See Section 415).
  12. Cemeteries, including mausoleums, columbaria, and crematoria (See Section 414).
  13. Bed and breakfasts (See Section 408).
  14. Municipal uses and structures.
  15. Home occupations and home businesses (See Section 433).
  16. Family day care homes (See Section 425).

17. Commercial day care facilities (See Section 418).
18. Bakeries.
19. Mixed use – commercial with accessory residential use.
20. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.

C. Special Exception Uses (See Section 604.C).

1. Educational institutions (See Section 441).
2. Dry cleaners, laundries, and laundromats (See Section 423).
3. Accessory farm dwelling, when accessory to an existing farm (See Section 401).

D. Conditional Uses (Subject to the procedures presented in Section 704 of this Ordinance)

1. Swimming pool (See Section 419).

E. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table:

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.	200 ft.	50 %
Public Water	32,670 sq. ft.	150 ft.	60 %
Public Sewer	20,000 sq. ft.	125 ft.	70 %
Both Public Sewer and Public Water	15,000 sq. ft.	100 ft.	80 %

F. Minimum Setback Requirements - (principal and accessory uses)

1. Front yard setback - All buildings, structures (except permitted signs), and outdoor loading areas shall be setback at least thirty-five (35) feet from the street right-of-way; off-street parking lots shall be setback a minimum of twenty (20) feet from the street right-of-way.
2. Side yard setback - All buildings and structures (except permitted signs) shall be setback at least twenty-five (25) feet from the side lot lines. Off-street parking lots and loading areas shall be setback at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear yard setback - All buildings, structures, off-street parking lots and loading areas shall be setback at least twenty (20) feet from the rear lot line.
4. Residential buffer strip - Any lot adjoining land within a residential zone shall maintain a twenty-five (25) foot setback for nonresidential buildings, structures, off-street parking lots and loading areas from the residentially-zoned parcels. Such areas shall be used for a landscape strip and screen.

G. Maximum Permitted Height - Thirty-five (35) feet.

- H. Off-Street Loading - Off-street loading shall be provided as specified in Section 312 of this Ordinance. In addition, no off-street loading area shall be permitted on any side of a building facing adjoining lands within a residential zone, nor any side of a building facing an adjoining street.
- I. Off-Street Parking - Off-street parking shall be provided as specified in Section 313 of this Ordinance.
- J. Signs - Signs shall be permitted as specified in Section 314 of this Ordinance.
- K. Driveway and Access Drive Requirements - All driveways serving single-family dwellings shall be made in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.
- L. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. (See Section 317 of this Ordinance.)
- M. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 317 of this Ordinance.)
- A minimum fifteen (15) foot wide landscape strip shall be provided along all property lines. Such landscape strip can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- N. Solid Waste Receptacles - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads and/or properties. All dumpsters shall be setback a minimum of fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed.
- O. All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- P. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- Q. Outdoor Storage - Within the (VC) Zone, no outdoor storage is permitted within any required yard areas.

## SECTION 206 HIGHWAY COMMERCIAL ZONE (HC)

A. Purpose - This Zone provides suitable locations for larger-scale and/or highway-oriented retail, service and entertainment businesses. The uses typically involve outdoor activities and/or storage areas like automobile, boat and trailer sales and service establishments. The uses provided in this Zone are meant to serve local residents as well as those motorists passing through the Township. Access to these areas is provided by adjoining major roads. Specific setbacks are imposed upon outdoor storage areas to protect adjoining properties.

### B. Permitted Uses

1. Agriculture and agricultural production, except intensive agriculture, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 303.
2. Offices.
3. Banks and similar financial institutions.
4. Restaurants (but not including drive-thru or fast food restaurants, taverns and nightclubs).
5. Retail sale of goods and services.
6. Commercial greenhouses and retail sale of nursery and gardening materials (See Section 444).
7. Hotels, motels and similar lodging facilities.
8. Automobile, boat, farm machinery and trailer sales (including service or repair facilities as an accessory use and if conducted within a wholly enclosed building).
9. Theaters and auditoriums.
10. Offices, shops and storage facilities for contractors.
11. Public uses.
12. Dry cleaners, laundries and laundromats (See Section 423).
13. Churches and related uses (See Section 415).
14. Cemeteries, including mausoleums, columbaria, and crematoria (See Section 414).
15. Bed and breakfasts (See Section 408).
16. Municipal uses and structures.
17. Home occupations and home businesses (See Section 433).
18. Family day care homes (See Section 425).

19. Commercial day care facilities (See Section 418).
  20. Funeral homes (See Section 427).
  21. Automobile parts stores.
  22. Recycling collection facilities, as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, good or furnishing that cannot be placed within the actual recycling bin, and the total size of the facility is less than 300 square feet.
  23. Single family detached dwellings.
  24. Mixed use – commercial with accessory residential use.
  25. Accessory uses customarily incidental to the above permitted uses.
- C. Special Exception Uses (Subject to the procedures presented in Section 604.3 of this Ordinance)
1. Amusement arcades (See Section 404).
  2. Automobile filling stations (including minor incidental repair) (See Section 406).
  3. Convenience stores, with and without gasoline fueling facilities (See Section 421).
  4. Educational institutions (See Section 441).
  5. Automobile service and repair facilities including but not limited to auto mechanics, drive-thru lubrication services and tire, auto paint, brake, muffler, transmission, windshield, auto body, car radio, and upholstery shops (See Section 407).
  6. Car washes (See Section 413).
  7. Home improvement and building supply stores (See Section 432).
  8. Drive-thru and/or fast food restaurants (See Section 422).
  9. Hospitals (See Section 434).
  10. Mini-warehouses (See Section 436).
  11. Light industrial uses, in accordance with the requirements of Article 207.
- D. Conditional Uses (Subject to the procedures presented in Section 704 of this Ordinance)
1. Adult-related facilities (See Section 402).
  2. Recreation facilities (See Section 419).
  3. Taverns (See Section 450).

4. Health and recreational facilities (See Section 429).
5. Nightclubs (See Section 438).
6. Shopping centers involving any use permitted in this Zone (See Section 447).
7. Beer Distributors.
8. Billboards (See Section 410).
9. Golf Driving Ranges (See Section 428).

E. Lot Area, Lot Width, and Lot Coverage Requirements - See the following table:

Utilized Public Utilities	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage
None	43,560 sq. ft.	200 ft.	50 %
Public Water	32,670 sq. ft.	150 ft.	60 %
Public Sewer	20,000 sq. ft.	125 ft.	70 %
Both Public Sewer and Public Water	15,000 sq. ft.	100 ft.	80 %

F. Minimum Setback Requirements - (principal and accessory uses)

1. Front yard setback - All buildings, structures (except permitted signs), and outdoor loading area shall be setback at least thirty-five (35) feet from the street right-of-way; off-street parking lots and outdoor storage areas shall be setback a minimum of twenty (20) feet from the street right-of-way.
2. Side yard setback - All buildings and structures (except permitted signs) shall be setback at least twenty-five (25) feet from the side lot lines. Off-street parking lots, loading areas, and outdoor storage areas shall be setback at least fifteen (15) feet from the side lot lines, unless joint parking facilities are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear yard setback - All buildings, structures, off-street parking lots, loading areas, and outdoor storage areas shall be setback at least twenty (20) feet from the rear lot line.
4. Buffer area - Any lot adjoining land within a residential zone shall maintain a fifty (50) foot setback for nonresidential buildings, structures, off-street parking lots, loading areas and outdoor storage areas, from the residentially-zoned parcels. Such areas shall be used for a buffer area and screening.

G. Maximum Permitted Height - Thirty-five (35) feet.

H. Off-Street Loading - Off-street loading shall be provided as specified in Section 312 of this Ordinance.

I. Off-Street Parking - Off-street parking shall be provided as specified in Section 313 of this Ordinance.

- J. Signs- Signs shall be permitted as specified in Section 314 of this Ordinance.
- K. Driveway and Access Drive Requirements - All driveways serving single-family dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance.
- L. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. (See Section 317 of this Ordinance).
- M. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 317 of this Ordinance.)
- A minimum fifteen (15) foot wide buffer area shall be provided along all property lines. Such buffer area can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- N. Solid Waste Receptacles - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be setback a minimum of fifty (50) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed.
- O. All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- P. Commercial Operations Standards - All commercial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- Q. Outdoor Storage - Within the (HC) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this Section. The outdoor storage areas for automobile sales uses need not be screened from adjoining roads.

## SECTION 207 INDUSTRIAL ZONE (I)

- A. Purpose - This Zone provides for a wide range of industrial activities that contribute to the well being of the Township by diversifying its economy and providing valuable employment opportunities. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger and heavier industries have also been permitted. Essentially, this Zone provides for light industrial uses as permitted by right, but requires obtainment of a conditional use for heavier and more potentially more-objectionable types of industrial uses. These areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.
- B. Permitted Uses
1. Agriculture and agricultural production, except intensive agriculture, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 303.
  2. Laboratories for medical, scientific or industrial research and development.
  3. Light industrial uses including but not limited to manufacturing, packaging, storage and/or wholesaling of, but not limited to, the following:
    - a. Furniture, cabinets, fixtures, office supplies, and other household appointments.
    - b. Scientific, specialized and technical instruments and equipment.
    - c. Audiovisual components, computers, vending machines, electronic equipment and video games.
    - d. Finished textile products.
    - e. Brushes, brooms, combs.
    - f. Hot tubs, spas, saunas and swimming pools.
    - g. Jewelry, and other precious metals.
    - h. Photographic, lighting and time keeping equipment.
    - i. Small household appliances, excluding major appliances.
    - j. Musical instruments and sporting equipment.
    - k. Cosmetics, toiletries and pharmaceuticals.
    - l. Optical, dental, and medical supplies and equipment.
    - m. Small or novelty products from prepared materials (excluding the use of sheet metals).



4. Processing, packaging, storage and/or wholesaling of food products excluding:
  - a. Breweries and distilleries.
  - b. Pickling processes.
  - c. Rendering or slaughtering operations.
  - d. Sugar refineries.
5. Sales, storage and/or wholesaling of the following:
  - a. Home and auto related fuels.
  - b. Nursery and garden materials, and stock.
  - c. Contractor supplies.
  - d. Plumbing, heating, air conditioning, electrical and structural components of buildings.
6. Bookbinding, printing, and publishing.
7. Machine shop.
8. Repair shops for products permitted to be manufactured in this zone.
9. Small engine repair shops.
10. Welding shops.
11. Sign makers.
12. Offices.
13. Public buildings.
14. Agricultural support businesses including:
  - a. Facilities for the commercial processing, and warehousing of agricultural products.
  - b. Facilities for the warehousing, sales and service of agricultural equipment, vehicles, feed or supplies.
  - c. Stockyards or feedlots.
  - d. Veterinary offices, animal hospitals or kennels.
15. Schools.
16. Home occupations in existing single family dwellings (See Section 433).

17. Family day care homes in existing single family dwellings (See Section 425).
18. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
19. Municipal uses and structures.
20. Mini-warehouse facilities (See Section 436).
21. Warehousing and wholesale trade establishments (See Section 453).
22. Retail sales of products or equipment produced or stored on site as an accessory use to the permitted principal use(s) - but not to exceed ten (10) percent of the total gross floor area of the principal use(s).

C. Conditional Uses (Subject to the procedures presented in Section 704 of this Ordinance)

1. Heavy industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, including those industries performing conversion, assembly or non-toxic chemical operations (See Section 431).
2. Heavy equipment sales, service and repair such as excavation machinery, commercial trucks, buses, farm equipment, mobile homes, trailers and other similar machinery (See Section 430).
3. Salvage and recycling yards (See Section 446).
4. Billboards (See Section 410).
5. Truck or motor freight terminal (See Section 451).
6. Processing, packaging, storage and/or wholesaling of the following:
  - a. Breweries and distilleries.
  - b. Pickling processes.
  - c. Rendering or slaughtering operations.
  - d. Sugar refineries.

D. Design Standards for Agricultural Uses - See Table 2-4 below:

Table 2-4								
Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Yard Setbacks*			
					Front Yard	One Side	(Both sides)	Rear Yard
Agricultural	10 acres	200'	NA	25 %	50'	50'	(100')	50'
Agricultural accessory uses	Subject to the same setback requirements as agricultural buildings above							
* These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.								

E. Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of 43,560 square feet.

F. Minimum Lot Width - Two hundred (200) feet.

G. Minimum Setback Requirements - (principal and accessory uses).

1. Front yard setback - All buildings, structures (except permitted signs), off-street loading areas, dumpsters, and outdoor storage areas shall be setback at least fifty (50) feet from the adjoining right-of-way. All parking lots shall be setback at least twenty (20) feet from any adjoining right-of-way.
2. Side yard setbacks - All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas shall be setback at least thirty (30) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be setback at least twenty (20) feet from any side lot lines unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear yard setback - All buildings, structures, dumpsters and off-street loading areas shall be setback at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be setback at least twenty-five (25) feet from any rear lot lines.
4. Buffer area - Any use adjoining land within a Residential Zone, or across a road from land within a Residential Zone, shall maintain a seventy-five (75) foot setback for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas from the Residential Zone. Off-street parking lots shall be setback at least fifty (50) feet from adjoining residentially zoned properties. All fences contained on an industrial property shall be setback a minimum of ten (10) feet from any adjoining residentially zoned land. All of these setback areas shall be devoted to landscaping. (See Section 317).
5. Accessory Recreation Uses - These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line.

H. Maximum Permitted Structural Height - The height of any principal or accessory structure shall not exceed forty (40) feet, except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures (except permitted signs) shall be setback a distance at least equal to their height from all property lines.

- I. Off-Street Loading - Off-street loading shall be provided as specified in Section 312 of this Ordinance.
- J. Off-Street Parking - Off-street parking shall be provided as specified in Section 313 of this Ordinance.
- K. Signs - Signs shall be permitted as specified in Section 314 of this Ordinance.
- L. Driveway and Access Drive Requirements - All driveways serving single-family dwellings and farm dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry related activities and farm occupations shall be exempt from driveway and access drive requirements.
- M. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. (See Section 317 of this Ordinance).
- N. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 317 of this Ordinance). A minimum twenty (20) foot wide buffer area shall be provided along all property lines. Such buffer area can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- O. Solid Waste Receptacles - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be setback a minimum of seventy five (75) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed.
- P. All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- Q. Industrial Operations Standards - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- R. Outdoor Storage - Within the (I) Zone, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this Section.

S. **SECTION 208 LIMITED INDUSTRIAL ZONE (LI)**

A. Purpose - This Zone provides an area in which a variety of limited industrial uses and some commercial uses may be located. Essentially, this Zone provides for limited industrial uses as permitted by right, along with limited commercial uses and accessory retail sale of uses produced or stored on the same lot. New residential uses of land are to be excluded in this Zone. Limited industrial areas have been located near existing public utility service areas and along major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks are used to protect adjoining residences.

B. Permitted Uses

1. Agriculture and agricultural production, except intensive agriculture, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 303.
2. Offices.
3. Wholesale trade establishments, warehousing and similar storage buildings, provided that there is no outside storage of any materials concerning any of the foregoing uses. Mini-storage facilities shall not be permitted in this zone.
4. Manufacturing, packaging, storage and/or wholesaling of the following:
  - a. Scientific, specialized and technical instruments and equipment.
  - b. Audiovisual components, computers and electronic equipment.
  - c. Clothing and other finished textile products.
  - d. Jewelry.
  - e. Optical, dental, and medical supplies and equipment.
5. Contractor or general service shops.
6. Retail sale of goods produced or stored as a permitted uses, provided the goods are sold on the same property on which they are produced, and provided that not more than twenty-five (25) percent of the gross floor area of the building(s) is devoted to such retail use.
7. Home occupations in existing single family dwellings (See Section 433).
8. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.
9. Municipal uses and structures.

C. Special Exception Uses (Subject to the procedures presented in Section 604.3 of this Ordinance)

Any use of the same general character as any of the permitted uses as set forth in Subsection B. above shall be permitted by special exception, provided that:

1. The Zoning Hearing Board shall not grant any application for a special exception unless the Zoning Hearing Board specifically finds that the proposed use will not adversely affect the public interest and the neighborhood.
2. In granting any special exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the provisions of this Zoning Ordinance.

D. Design Standards for Agricultural Uses - See Table 2-5 below:

Table 2-5								
Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Yard Setbacks*			
					Front Yard	One Side	(Both sides)	Rear Yard
Agricultural	10 acres	200'	NA	25 %	50'	50'	(100')	50'
Agricultural accessory uses	Subject to the same setback requirements as agricultural buildings above							
* These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.								

E. Lot Area Requirements - Unless otherwise specified, each use within this Zone shall have a minimum lot size of 43,560 square feet.

F. Minimum Lot Width - Two hundred (200) feet.

G. Minimum Setback Requirements - (principal and accessory uses).

1. Front yard setback - All buildings, structures (except permitted signs), off-street loading areas, dumpsters, and outdoor storage areas shall be setback at least fifty (50) feet from the adjoining right-of-way. All parking lots shall be setback at least twenty (20) feet from any adjoining right-of-way.
2. Side yard setbacks - All buildings, structures, (except permitted signs) dumpsters, and off-street loading areas shall be setback at least thirty (30) feet from any side property lines. All outdoor storage areas and off-street parking lots shall be setback at least twenty (20) feet from any side lot lines unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear yard setback - All buildings, structures, dumpsters and off-street loading areas shall be setback at least thirty-five (35) feet from any rear property lines. All outdoor storage areas and off-street parking lots shall be setback at least twenty-five (25) feet from any rear lot lines.
4. Buffer area - Any use adjoining land within a Residential Zone, or across a road from land within a Residential Zone, shall maintain a seventy-five (75) foot setback

for buildings, structures, dumpsters, outdoor storage areas, and off-street loading areas from the Residential Zone. Off-street parking lots shall be setback at least fifty (50) feet from adjoining residentially zoned properties. All fences contained on an industrial property shall be setback a minimum of ten (10) feet from any adjoining residentially zoned land. All of these setback areas shall be devoted to landscaping. (See Section 317).

5. Accessory Recreation Uses - These facilities can be developed in any side or rear yard to within fifty (50) feet of any property line.
- H. Maximum Permitted Structural Height - The height of any principal or accessory structure shall not exceed forty (40) feet, except that chimneys, flagpoles, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. All structures (except permitted signs) shall be setback a distance at least equal to their height from all property lines.
- I. Off-Street Loading - Off-street loading shall be provided as specified in Section 312 of this Ordinance.
- J. Off-Street Parking - Off-street parking shall be provided as specified in Section 313 of this Ordinance.
- K. Signs - Except as provided for below, any signs in the LI Zone shall be permitted as specified in Section 314 of this Ordinance.
  - a. Limitation on Signs. Only those signs relating to the principal uses conducted on the premises, or to the principal materials or products made, sold or displayed on the [premises shall be permitted.
- L. Driveway and Access Drive Requirements - All driveways serving single-family dwellings and farm dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry related activities and farm occupations shall be exempt from driveway and access drive requirements.
- M. Screening - A visual screen must be provided along any adjoining lands within a residential zone, regardless of whether or not the residentially zoned parcel is developed. (See Section 317 of this Ordinance).
- N. Landscaping - Any portion of the site not used for buildings, structures, parking lots, loading areas, outdoor storage areas, and sidewalks shall be maintained with a vegetative ground cover and other ornamental plantings. (See Section 317 of this Ordinance.)
  - a. A minimum twenty (20) foot wide buffer area shall be provided along all property lines. Such buffer area can be waived for that portion of the site occupied by a joint parking lot and/or loading area shared by adjoining uses.
- O. Solid Waste Receptacles - Dumpsters may be permitted within the side or rear yard, provided such dumpsters are screened from any adjoining roads or properties. All dumpsters shall be setback a minimum of seventy five (75) feet from any adjoining residentially zoned properties. All waste receptacles shall be completely enclosed.

- P. All uses permitted within this Zone shall also comply with the General Provisions in Article 3 of this Ordinance.
- Q. Industrial Operations Standards - All industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal Government regulations, as required by the most recent regulations made available from these governmental bodies.
- R. Outdoor Storage - Except as restricted in Subsection B.3. above, outdoor storage is permitted provided all outdoor storage areas are screened from adjoining roads and properties, and they comply with all of those setbacks specifically imposed thereon, listed in this Section.



**S. SECTION 209 BUSINESS CAMPUS ZONE (BC)**

A. Purpose – The primary purpose of the Business Campus District is to provide an alternative zoning district that will provide for the orderly and integrated development of mixed professional, industrial and commercial uses. The zone is intended to apply to large parent tracts or blocks of land where the purpose and intended design elements of the zone can be effectively and equitably applied. To this end, prior to any subdivision and/or land development within this zone, applicants shall be required to prepare and submit an overall sketch plan/master plan of the entire project site. This approach shall ensure comprehensive and coordinated development, rather than random development.

B. Permitted Uses

1. Agriculture and agricultural production, except intensive agriculture, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 303.
2. Municipal uses and structures.
3. Accessory uses customarily incidental to and located on the same lot as the above-permitted uses.

C. Special Exception Uses (Subject to the procedures presented in Section 604.3 of this Ordinance)

1. Business Campus – Subject to the requirements of Section 209.E of this Ordinance.

D. Design Standards for Agricultural Uses - See Table below:

Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Yard Setbacks*			
					Front Yard	One Side	(Both sides)	Rear Yard
Agricultural	100 acres	200'	NA	25 %	50'	50'	(100')	50'
Agricultural accessory uses	Subject to the same setback requirements as agricultural buildings above							
* These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.								

- E. Business Campus Criteria – Development within the Business Campus District shall require the submission of a detailed sketch plan/master plan of the entire business campus site for review by the Township Zoning Officer, Planning Commission and Zoning Hearing Board. In case of a preliminary plan calling for the installation of improvements beyond a five (5) year period, a schedule delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed shall be provided. The sketch plan/master plan shall be prepared to the requirements for sketch plans as provided in the governing subdivision and land development ordinance and shall address the following issues:
1. The minimum area of a business campus site shall be fifty (50) acres.
  2. The Business Campus shall be served by centralized water and sewer facilities. However, the Zoning Hearing Board may, by special exception approval, permit a modification of the requirement to provide centralized water and sewer facilities to service a portion of the site, subject to the requirements of § 209.E.2.c, with on-lot water and sanitary sewage facilities. An applicant desiring to obtain such special exception approval, shall, when making application for special exception approval for a Business Campus, shall also make application for special exception approval using the on-lot design option under this section 209.E.2. The Zoning Hearing Board shall consider both approval requests simultaneously. Any special exception to permit a modification of this design standard shall be subject to the following standards:
    - a. Such modifications of the design standard shall better serve the intended purposes and goals of the Business Campus design.
    - b. Such modifications of the design standard would not result in adverse impact to adjoining properties, nor future inhabitants within the Business Campus zone.
    - c. Use of on-lot water and sanitary sewage facilities shall be limited to an area that is equal to or less than 25% of the net area of the business campus site.
    - d. A formal recorded agreement between the Township and the applicant shall require the installation of centralized water and sewer facilities by the applicant when an area greater than 25% of the net area of the business campus site is proposed for development.
  3. The applicant shall provide a detailed transportation plan to demonstrate that access to the business campus will be adequate under Township and state standards. The plan will specifically show access points to the external street system and an internal street layout. The access to external streets shall be separated, as measured from centerline to centerline of the access points, by a minimum distance of eight hundred (800) feet. Such application and approval of the sketch plan/master plan will not release the applicant from its obligation to meet all standards of the governing Subdivision and Land Development Ordinance when actual improvements are proposed, nor will it relieve the applicant of its responsibility to meet all applicable local, state and federal regulations.

4. The business campus shall be developed as a single, integrated unit having shared access points (individual lot access points to existing perimeter streets will not be permitted), an internal street system and interconnected off-street parking facilities. Storm water management facilities shall comply with all applicable ordinances and studies.
5. The business campus will contain a mixture of commercial and industrial uses, as identified in Section 209.F of this Section, which will not exceed a maximum of twenty (20) percent commercial uses and eighty (80) percent industrial uses as measured by the gross floor area of the buildings within the business campus. Commercial buildings may not exceed 20,000 square feet. The area set aside as commercial use shall be designed to be internal to the business campus, the use shall serve the local community and function as an integrated component of the business campus site.
6. Sketch/master plan shall provide conceptual lot locations and proposed structures or buildings, shared driveway access points, proposed densities, and the location of distribution systems for water and sewer.
7. The business campus shall contain non-motorized transportation facilities including but not limited to sidewalks, walking paths, bicycle paths, and greenway linkages. The non-motorized transportation facilities shall provide linkages to all proposed lots and buildings within the business campus district. The applicant shall identify the functions of each non-motorized pathway and design such pathway to adequately perform its designated function.
8. The applicant shall provide an overall landscaping plan for the business campus which shall incorporate and preserve existing natural features and preserves and promotes native species. A natural vegetative buffer screening, a minimum of thirty (30) feet in width and compliant with Section 317 of this Ordinance, shall also be submitted with the landscaping plan for all portions of the business campus which abut existing residential dwellings or residentially zoned land. Additional standards include:
  - a. Landscaped planting strips shall be provided adjacent to all existing public streets and shall have a minimum width of fifty (50) feet. The planting strip shall be planted with a combination of street trees, shrubbery, and groundcover. Street Trees shall be provided at a maximum spacing of fifty (50) feet and shall be evenly distributed along the entire length of the planting strip. A minimum of ten (10) percent of the planting strip shall be landscaped with shrubbery, which shall be evenly distributed along the entire length of the planting strip.
  - b. Landscaped planting strips shall be provided adjacent to all proposed public and private streets. The planting strip shall have a minimum width of twenty (20) feet and shall be planted with street trees with minimum spacing of fifty (50) feet. A minimum of ten (10) percent of the planting strip shall be landscaped with shrubbery, which shall be evenly distributed along the entire length of the planting strip.
9. Applicant shall submit a narrative summary detailing how the applicant proposes to provide for an integrated development. If the land within the business campus is owned by more than one landowner, the applicant shall explain the method by

which it will insure a single, integrated development, and provide legally binding assurances, in a recordable form acceptable to the Township, that it is able to create that single, integrated development.

10. The business campus shall comply with all applicable storm water ordinances and studies.
11. The Zoning Hearing Board in approving zoning use applications shall make compliance with the site plan and any revisions thereto required by the Zoning Hearing Board a part of the approval. The applicant shall develop the Business Campus in the manner set forth on the site plan and any required revisions thereto unless a change to the site plan is authorized in accordance to meet the provisions of the governing Subdivision/Land Development Ordinance. Future development shall not be exempt from additional requirements as outlined in this Ordinance.

#### Business Campus Uses

1. Commercial Uses
  - a. Adult Educational Institutions (See Section 441)
  - b. Agricultural Support Businesses
  - c. Agriculture and Agriculture Production
  - d. Automobile sales, parts, service and repair
  - e. Bakeries
  - f. Banks and similar financial institutions
  - g. Boat, farm machinery and trailer sales
  - h. Building supply store
  - i. Commercial Day Care Centers (See Section 418)
  - j. Contractor or general service shops
  - k. Dry cleaners and laundries
  - l. Golf driving ranges (See Section 428)
  - m. Greenhouses, nurseries and gardening centers
  - n. Health and recreational facilities
  - o. Heavy equipment sales, service and repair
  - p. Hotels, motels and similar lodging facilities
  - q. Medical or dental clinics

- r. Personal service shops including barber/beauty salons, music and dance studios
  - s. Professional Offices
  - t. Restaurants
  - u. Retail sale and/or rental of goods
  - v. Theaters and auditoriums
  - w. Veterinarian offices (See Section 405)
2. Industrial Uses
- a. Heavy industrial uses involving processing, packaging, production, repair or testing of materials, goods and products, all conducted within a fully enclosed building.
  - b. Laboratories for medical, scientific or industrial research and development
  - c. Light industrial uses
  - d. Machine shops
  - e. Mini-warehouses
  - f. Municipal uses and structures
  - g. Public uses
  - h. Warehousing and wholesale trade establishments less than 50,000 square feet

F. Lot Area, Lot Width and Lot Coverage Requirements

- 1. Minimum Lot Area: One (1) acre
- 2. Minimum Lot Width: One Hundred (100) feet at the street line
- 3. Minimum Landscaped Area: Thirty-five (35) percent

G. Minimum Setback Requirements - (principal and accessory uses)

- 1. Front Yard - Front yard setback distances are determined by the classification of road or highway on which the property fronts as follows:
  - a. Existing Perimeter Street - All buildings, structures, dumpsters, parking and outdoor storage areas shall be setback at least fifty (50) feet from the street right-of-way line. Off-street loading areas shall be setback at least ninety (90) feet from existing perimeter street right-of-way line.

- 1). The Zoning Hearing Board may, by special exception approval, permit a modification of this perimeter street setback requirement to reduce the setback to a minimum of thirty (30) feet from the street right-of-way line. An applicant desiring to obtain such special exception approval, shall, when making application for special exception approval for a Business Campus, shall also make application for special exception approval using the on-lot design option under this section 209.G.1. The Zoning Hearing Board shall consider both approval requests simultaneously. Any special exception to permit a modification of this design standard shall be subject to the following standards:
  - a). Such modifications of the design standard shall better serve the intended purposes and goals of the Business Campus design.
  - b). Such modifications of the design standard would not result in adverse impact to adjoining properties, nor future inhabitants within the Business Campus zone.
  - c). The applicant shall provide architectural renderings of the proposed buildings. The renderings shall include design elements that create the appearance that the buildings will “face” or “front” the existing perimeter street.
  - d). Parking and loading areas, dumpsters and outdoor display and storage areas shall not be located within any portion of the reduced setback area.
- b. Internal Collector and Local Streets - All buildings and structures shall be setback at least thirty (30) feet from the street right-of-way line. Parking and loading areas shall be setback at least twenty (20) feet from the street right-of-way line.
2. Side Yard – All buildings and structures shall be setback at least thirty (30) feet from each side property line.
  - a. Parking and loading areas, dumpsters and outdoor display and storage areas shall be set back at least fifteen (15) feet from the side lot lines unless joint parking lots and/or loading areas are shared by adjoining uses. In such instances, one of the side yard setbacks can be waived solely for parking and/or loading facilities.
3. Rear Yard – buildings shall be setback a minimum of thirty (30) feet from the rear property line.
  - a. Parking and loading areas, dumpsters and outdoor display and storage areas shall be set back at least twenty (20) feet from rear lot line.
4. No building or structure, other than required parking areas or storm water management facilities, may be located closer than two-hundred (200) feet to an existing residential building or residential zone unless the owner(s) of the adjoining property(ies) waives this requirement in writing to the Board of Supervisors.

5. Multiple buildings located on one lot shall have a minimum building separation distance of thirty (30) feet.

H. Building Height Regulations

1. The maximum building height shall be three (3) stories or forty (40) feet.

I. Off-Street Parking

1. Off-Street parking shall comply with the provisions of Section 311 of this Ordinance. In addition, any off-street parking facilities containing twenty (20) or more spaces shall be required to devote five (5) percent of the interior area of the lot to landscaping. Landscape islands shall be used to break up rows of parking spaces at every ten (10) parking spaces. All landscaped islands shall be protected with concrete curb. Landscape areas situated outside the parking lot such as perimeter landscaping shall not constitute interior landscaping. At least one shade tree is to be provided for every three hundred square feet of parking area.

J. Off-Street Loading

1. Off-Street loading facilities in this District shall be permitted to face internal streets; however, if facing existing perimeter streets, loading areas must be set back ninety (90) feet from the street right-of-way and must be completely landscaped/screened from the existing perimeter street. All other loading shall comply with the provisions of Section 312 of this Ordinance.

K. Signs

1. Signage shall comply with the provisions of Section 314 of this Ordinance.

L. Open/Outdoor Storage

1. Outdoor storage and display, when accessory to a permitted or special exception use shall be regulated as follows:
  - a. Display areas shall not occupy any part of any street right-of-way, any areas intended or designed for pedestrian use, required off-street parking areas, or required front yard.
    - 1) Areas used as outdoor display shall be considered as floor area as if the display area is contained within a building. The area shall be calculated using the perimeter of the entire display area.
  - b. Outdoor storage of materials and equipment is prohibited unless located within the side or rear yard, enclosed within a fenced area and screened in accordance with this Ordinance.
    - 1) For the purposes of this section, outdoor storage shall:
      - a). be an accessory use to the principal use of the property; and,

- b). include accessory materials and equipment including, but not limited to, shipping pallets or skids, disabled vehicles or equipment, waste or recyclable products produced as a by-product of a manufacturing, assembly or processing operation and other similar materials which are utilized from time to time on the property; and,
  - c). exclude principal materials and components of products delivered to the property and used as a part of a manufacturing, assembly or processing operation on the property; and,
  - d). exclude principal materials, components of products, or finished products manufactured, assembled, or processed on the property and intended to be shipped from the property.
- 2) Materials and equipment stored shall be no more than twelve (12) feet in height above the finished grade of the storage area.
  - 3) Materials and equipment over six (6) feet in height above the finished grade of the storage area shall be screened by landscaping in accordance with Section 317 of this Ordinance
  - 4) The maximum area for outdoor storage shall be one thousand (1000) square feet.
  - 5) Storage areas shall not occupy any part of any street right-of-way, any areas intended or designed for pedestrian use or required off-street parking areas.
  - 6) All organic rubbish or storage shall be in airtight, vermin proof containers.

M. Performance Standards

- 1. The following standards shall be followed within the Business Campus District:
  - a. Noise Pollution and Vibration: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
  - b. Air Pollution, Airborne Emissions and Odor: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
  - c. Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 987, 35 P.S. 691.1, as amended.
  - d. Glare and Heat: “Rules and Regulations” of the Pennsylvania Department of Environmental Protection.
  - e. Handicap Access: The latest version of the American Disabilities Act.
- 2. Perimeter streetscapes should be oriented to the pedestrian. It should be safe, functional and attractive. Abundant landscaping shall compliment the streetscape and preserve the character of the neighborhood.



N. Traffic Impact

1. A Traffic Impact Study, prepared in accordance with the requirements of the applicable Subdivision/Land Development Ordinance, shall be provided.

O. Additional Standards

1. Notwithstanding any of the provisions in this Section of the Ordinance, all other general provisions of this Ordinance, where not specifically superceded by this Section, will continue to be in effect for the Business Campus District.

## SECTION 210 CONSERVATION ZONE (C)

- A. Purpose - This Zone seeks to protect environmentally sensitive areas of the Township that also have significant value for passive and active recreational pursuits. Specifically, forested areas, steep slopes, stream and creek valleys, lakes and floodplains are included. Permitted uses within this Zone encourage the most appropriate conservation/recreation activities for these areas; however, some forms of development are allowed under prescribed criteria.
- B. Permitted Uses
1. Public parks.
  2. Public activities related to the preservation and conservation of natural and/or historical resources.
  3. Agriculture and agricultural production, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 303.
  4. Public uses.
  5. Single-family detached dwellings.
  6. Beekeeping (See Section 409).
  7. Home occupations (See Section 433).
  8. Family day care homes (See Section 425).
  9. Riding schools or horse boarding stables (See Section 445).
  10. Municipal uses and structures.
  11. Kennels (See Section 435).
  12. Accessory uses customarily incidental to and located on the same lot as the above-permitted uses.
- C. Special Exceptions (Subject to the procedures presented in Section 704.3 of this Ordinance).
1. Clubhouses for private clubs (See Section 416).
  2. Campgrounds (See Section 412).
  3. Golf courses and golf driving ranges (See Section 428).
  4. Communications towers and antennas (See Section 420).
  5. Bed and breakfast (See Section 408).
  6. Home businesses (See Section 433).

7. Accessory farm dwellings, when accessory to an existing farm (See Section 401).
8. Farm occupations (See Section 426).
9. ECHO housing (See Section 424).
10. Residential conservation subdivisions (See Section 443).
11. Counseling and conference centers not operated for private profit and related uses including weekly worship services; provided, however, such centers shall not be used primarily as churches.

D. Design Standards - Unless specified elsewhere, the following table prescribes lot area, width and coverage, as well as minimum yard requirements for uses within this Zone:

Use	Minimum Lot Area (sq. ft.)	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Yard Setbacks			
					Front Yard	One Side	(Both sides)	Rear Yard
Agricultural	10 acres	200'	NA	25 %	50'	50'	(100')	50'
Agricultural accessory uses	Subject to the same setback requirements as agricultural buildings above***							
All other permitted uses	10 acres	350*	350'	4 %	50'	50	(100')	50'
Accessory Uses and Structures***	NA	NA		NA	not permitted in front yard (except permitted signs)			
15 feet high or less						6' (each side)		6'
15 to 35 feet high						15' (each side)		15'
* two hundred fifty (250) feet at the lot frontage.								
** These setbacks shall not apply to agricultural fences that are used to contain agricultural livestock. Such fences shall be set back a minimum of six (6) feet from any adjoining street right-of-way lines.								

- E. Maximum Permitted Height - Thirty-five (35) feet
- F. All uses shall comply with the General Provisions listed in Article 3 of this Ordinance.
- G. Driveway and Access Drive Requirements - All driveways serving single-family dwellings and farm dwellings shall be in accordance with Section 305 of this Ordinance. All access drives serving other uses shall be in accordance with Section 301 of this Ordinance. All lanes exclusively serving agricultural, horticultural and/or forestry related activities and farm occupations shall be exempt from driveway and access drive requirements.
- H. All uses shall comply with the General Provisions listed in Article 3 of this Ordinance.

## SECTION 211 FLOODPLAIN ZONE (F)

### A. Purpose and Intent

1. The FP - Floodplain Zone includes the areas of Elizabeth Township that are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
2. In the interest of public health, safety, and welfare the regulations of the FP - Floodplain Zone are designed and intended to protect floodplain areas subject to a necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Elizabeth Township as provided for in the Elizabeth Township Comprehensive Plan, and to guide incompatible development into more appropriate zones.
3. In advancing these principles and the general purposes of this Zoning Ordinance and the Elizabeth Township Comprehensive Plan, and as a supplement to Section 112 of this Zoning Ordinance, the specific intent of this Zone includes the following:
  - a. To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
  - b. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
  - c. To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
  - d. To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closing, disruptions of transportation routes, and interference with utility services, as well as other factors that result on loss of wages, sales, and production and generally affect the economic well being of the community.
  - e. To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creation of future flood blighted areas on floodplains.
  - f. To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.

- g. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water supply.
- h. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
- i. To encourage the utilization of appropriate construction practices that will minimize flood damage in the future.
- j. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
- k. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures that are unsuited for intended purposes because of flood hazards.
- l. To regulate uses, activities, development, and structures which, acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
- m. To provide areas for the deposition of sediment.
- n. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

B. Lands in Zone Defined

- 1. The FP - Floodplain Zone is hereby defined and established as those areas of the Township subject to flooding, as defined in subsection 211 B.1.a. of this section. The most extensive of these areas described in the following sources shall determine the outermost boundary of the FP - Floodplain Zone.
  - a. Those areas subject to inundation by the waters of the one hundred (100) year flood, as delineated in the Flood Insurance Study for the Township of Elizabeth, Lancaster County, Pennsylvania, as prepared by the Federal Emergency Management Agency (FEMA), dated September 16, 1980. Said floodplain shall consist of three (3) subdistricts, as follows:
    - 1) Floodway – That portion of the FP – Floodplain Zone required to carry and discharge the waters of the one hundred (100) year flood without increasing the water surface elevation at any point more than one (1) foot above the existing conditions;
    - 2) Floodway Fringe – That portion of the FP – Floodplain Zone subject to inundation by the one hundred (100) year flood lying beyond the floodway in areas where a detailed study data and profiles are available; and

- 3) Approximated Floodplain - That portion of the FP – Floodplain Zone subject to inundation by the one hundred (100) year flood where a detailed study and profiles have not been performed, but where a one hundred (100) year floodplain boundary has been approximated.
  - b. In those areas delineated as approximated floodplain, the one hundred (100) year elevation shall be determined by using other existing sources of data, such as that provided by the U. S. Army Corps of Engineers, U. S. Geological Survey or the Susquehanna River Basin Commission or other similar sources. In lieu of this, the Zoning Officer may require the applicant to apply for a permit to determine the one hundred (100) year flood elevation through a hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a licensed professional registered by the Commonwealth of Pennsylvania. Copies of such study shall be submitted to the Township Engineer for review.
  - c. The area adjoining any water or drainage course or body of water subject to periodic flooding or overflow and/or delineated as soils that are or may include alluvial soils by the U.S. Department of Agriculture, Soil Conservation Service *Soil Survey of Lancaster County Pennsylvania*, May, 1985.
  - d. Studies used to establish the FP – Floodplain Zone boundaries shall be available for reference in the Township office.
  - e. All changes to the boundaries of the FP - Floodplain Zone, as defined by the Flood Insurance Study are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.
- C. Boundary Disputes - Should a dispute arise concerning any boundary of the FP - Floodplain Zone, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Section 604.F. of this Ordinance. The burden of proof in such an appeal shall be on the property owner and all hearings and procedures shall follow the requirements of Section 603 of this Ordinance.
- D. Overlay Concept - The FP – Floodplain Zone shall be deemed an overlay on any zone now or hereafter applicable to any lot.
  1. Should the FP – Floodplain Zone be declared inapplicable to any tract by reason of (1) the Township Board of Supervisors in amending this Ordinance or (2) the Zoning Hearing Board, or (3) any court of competent jurisdiction so interpreting the same, the zoning applicable to such tract shall be deemed to be the underlying zone in which it is located; and
  2. Should the zoning of any tract or part thereof where the FP – Floodplain Zone is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the FP – Floodplain Zone, unless such change was included as part of the original application.
- E. Permitted Uses - The following uses are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental

Protection; Sections 211.G. and 211.J. of this Article; and all other applicable provisions of this Zoning Ordinance.

1. Agriculture and agricultural production, including the raising of crops, forestry, horticulture and gardening, and the keeping and raising of livestock, other than intensive agricultural operations, subject to the standards listed in Section 201 excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  2. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthy ponding, or other unsanitary conditions shall occur.
  3. Public and private recreational uses such as parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
  4. Open space and front, side, or rear yards required by other sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this section, as set forth in Section 211.A., together with the requirements of any other pertinent municipal regulations, is complied with; if such compliance cannot be shown, the land areas within the FP -Floodplain Zone shall not be used or calculated for purposes of meeting lot, open space, area, or yard requirements.
  5. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Lancaster County Conservation District, and subject to the provisions of Section 211.J. of this Article.
  6. One or two-strand fences.
  7. Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
  8. Farm ponds that are constructed in accordance with a Conservation Plan reviewed by the Lancaster County Conservation District and which do not create any increase in flood heights or frequency, and subject to the provisions of Section 211.J. of this Article.
  9. Floodproofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.
- F. Special Exception Uses - The following uses are permitted in the FP - Floodplain Zone only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article 6, when permitted by the underlying zone as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and all other provisions of this Zoning Ordinance:

1. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, if they are water-permeably surfaced, and if they are consistent with the provisions have Section 211.G.18. of this Article, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
2. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:
  - a. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the FP - Floodplain Zone to allow positive control during flood emergencies.
  - b. Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilovolts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical distribution and transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
    - 1) Above ground lines and supporting structures shall enter the FP - Floodplain Zone only to cross a watercourse, shall cross the watercourse and the FP - Floodplain Zone using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
    - 2) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet (10') above the maximum flood elevation.
    - 3) Supporting structures for above ground lines within the FP - Floodplain Zone shall be the minimum number necessary to carry the lines across the FP Floodplain Zone. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
    - 4) Facilities and services in the FP - Floodplain Zone shall be designed so that flood damage within the Zone does not disrupt service outside the Zone.



3. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
4. Culverts, bridges, and approaches to private culverts and bridges that meet all the following conditions:
  - a. Review and/or approval by the Lancaster County Planning Commission, if required.
  - b. Approval by the Susquehanna River Basin Commission, if required.
  - c. Approval by the Pennsylvania Department of Environmental Protection, if required.
  - d. Approval by the United States Army Corps of Engineers, if required.
  - e. Approval by the Pennsylvania Department of Transportation (PENNDOT), if required.
  - f. If approval by PENNDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PENNDOT.
  - g. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.

G. Prohibited Uses

The following uses are prohibited in the FP - Floodplain Zone:

1. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
2. All structures, with the exception of those specifically allowed in Sections 211.E. and 211.F. of this section.
3. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.
4. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading necessary to accomplish and carry out those uses permitted in Sections 211.E. and 211.F. of this Article; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
5. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 211.E. and 211.F. of this section, and excluding such grading necessary to accomplish and carry out those uses which are permitted in Sections 211.E. and 211.F. of this section; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.

6. Damming or relocation of any watercourse, except as provided for in Sections 211.E. and 211.F. of this section.
7. Any parts of new on-site sewage disposal systems.
8. Swimming pools.
9. Fences, except one or two-strand fences.
10. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials or other material which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
11. Cemeteries for humans or animals.
12. Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulfur and sulfur products, pesticides (including insecticides, fungicides and rodenticides) radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (DEP's Hazardous Waste Management Regulations);
13. Mobile home parks.
14. Hospitals, nursing homes and jails.
15. Feedlots.
16. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
17. The floodproofing of new residential structures, as an exception from the elevation requirement.
18. Any development, structure, or use that may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:
  - a. Endanger human life.
  - b. Obstruct, impede, retard, change or increase the velocity, direction, or flow of floodwaters.
  - c. Increase the surface elevations of floods, or the frequency of floods.
  - d. Catch or collect debris carried by floodwaters.

- e. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the FP - Floodplain Zone.
- f. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
- g. Increase the rate of local runoff, erosion, or sedimentation.
- h. Degrade the quality of surface water or the quality or quantity of ground water.
- i. Be susceptible to flotation and subsequent movement that would cause damage to other property.
- j. Not be in harmony with the intent and purpose of this section, as set forth in Section 210.A. of this section.
- k. Not be in harmony with the intent and purpose of this section, as set forth in Section 210.A. of this section.

H. Standards and Criteria for Special Exceptions and Variances - In addition to the provisions of Article 6, in hearing and deciding upon special exceptions and/or variances to be granted or denied under the provisions of this Section 211, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. No special exception or variance shall be granted for any use, structure or development within the floodway if any increase in the one hundred (100) year flood elevation would result;
2. In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations;
3. Variances shall only be granted upon determination that the variance are the minimum necessary to afford relief, considering the flood hazard. If it should become necessary to grant any variance, the applicant shall be required to comply with all the applicable requirements of the National Flood Insurance Program requirements (60.3a and b) (as amended), including the requirements for floodproofing, anchoring and elevation. The applicant must also comply with any other requirements considered necessary by Elizabeth Township;

4. Whenever a variance is granted, the Board shall notify the applicant in writing that:
  - a. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the one hundred (100) year flood elevation; and,
  - b. Such variance may increase the risk to life and property.
5. In granting a special exception or variance, the Zoning Hearing Board shall require that all buildings and structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood; and,
6. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency.

I. Nonconforming Uses and Structures in the FP - Floodplain Zone

1. Continuation - All uses or structures lawfully existing in the FP - Floodplain Zone on the effective date of this section which are not in conformity with the provisions of this section shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and floodproofed, except as otherwise provided for in this section. However, such nonconforming uses or structures may at any time be improved to comply with existing Pennsylvania or Elizabeth Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions.
2. Abandonment - Nonconforming uses or structures that have been discontinued or vacated for twelve consecutive months shall be considered abandoned. Vacation of land or structures or the nonoperative status of the use normally carried on by the property shall be evidence of discontinuance. No abandoned use or structure may be reestablished, repaired, or reoccupied. The Supervisors may require the removal of any abandoned nonconforming use or structure upon prior notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine months, the Supervisors shall have the authority to cause the removal to be accomplished, the costs of such removal to be paid by the property owner.
3. Expansion - A nonconforming structure located within the floodway shall not be expanded or enlarged if any increase in the one hundred (100) year flood elevation would result.
4. Repair, Reconstruction or Improvement - A nonconforming structure may be repaired, reconstructed or improved if it is damaged or destroyed by any means, including floods, to an extent of less than fifty percent (50%) of its fair market value at the time of its damage or destruction. Repair, reconstruction or improvement to an extent of fifty percent (50%) or more of the fair market value of the structure shall constitute a substantial improvement and shall be prohibited
  - a. The Zoning Officer shall have the initial responsibility of determining the percent of damage or destruction and the fair market value of the damaged

or destroyed use or structure at the time of its damage or destruction, and may call on any experts or authorities he may deem necessary to assist him in arriving at a fair and impartial determination. Appeals of the decision of the Zoning officer may be made to the Zoning Hearing Board.

5. Historic Structures - The Zoning Hearing Board shall have the right to waive, as a special exception, any of the requirements of this section and Section 211.J. for any structure listed on the National Register of Historic Places or the Pennsylvania Register of Historic Sites and Landmarks.

J. Design and Performance Standards

1. Applicability – Unless otherwise specified in this section, the standards and criteria included in this section are to be used, together with the provisions of all other sections and all other Ordinances in force in Elizabeth Township by the Zoning Officer and Zoning Hearing Board in their administration of this section.
  - a. No permitted use or use allowed by special exception shall be permitted within the floodway if the proposed use or development would cause any increase in the one hundred (100) year flood elevation;
  - b. Prior to any proposed alteration or relocation of any water course, a permit shall be obtained from the PA DEP, Bureau of Dam Safety, Obstructions and Storm Water Management, and notification of any such proposal shall be forwarded to the Federal Insurance Administration and to the Pennsylvania Department of Community and Economic Development;
  - c. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties;
  - d. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters; and,
  - e. All utilities, such as gas lines, electrical and telephone systems, shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
2. Structural:
  - a. All authorized new residential structures (limited to nonconforming structures in accordance with Section 211.I.) shall have the lowest floor (including basement) elevated to one foot above the one hundred (100) year flood elevation;

- b. All authorized new nonresidential structures (limited to nonconforming structures in accordance with Section 211.I.) shall have the lowest floor (including basement) elevated to one foot above the one hundred (100) year flood elevation, or, together with attendant utility and sanitary facilities, be floodproofed to that level in accordance with W-1 or W-2 standards, as contained in the publication *Flood-Proofing Regulations*, U.S. Army Corps of Engineers, June 1972; and,
- c. All structures, including buildings, air ducts, large pipes and storage tanks shall be firmly anchored to prevent flotation, movement or collapse;

3. Special Requirements for Mobile Homes

- a. Mobile homes and mobile home parks are prohibited in the FP – Floodplain Zone, except as a continuation of a nonconforming use;
- b. If any existing mobile home shall be replaced, reconstructed, or expanded by addition thereto, then the mobile home shall be:
  - 1) anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the following:
    - a). over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length;
    - b). frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length; and,
    - c). all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;
  - 2) elevated in accordance with the following requirements:
    - a). the standards or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one and on-half (1½) feet or more above the elevation of the one hundred (100) year flood;
    - b). adequate surface drainage is provided;
    - c). adequate access for a hauler is provided;
    - d). where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in

stable soil no more than ten (10) feet apart; reinforcement shall be provide for pilings that will extend for six (6) feet or more above the ground level; and

- 3) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Township Supervisors for mobile home parks.

K. Floodplain Permit and Application Procedures – Within the FP – Floodplain Zone, a zoning permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvements of uses or structure, including the placement of mobile homes, and activities, such as mining, dredging, filling, grading, paving or drilling operations. Application for a zoning permit shall be filed with a Zoning Officer who shall make an initial determination on the application. For a use other than those permitted in Section 211.E, an application seeking approval of a special exception or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information. Every Zoning permit application for development or construction within the FP – Floodplain Zone shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Section 211. Included with this submission shall be copies of all necessary State and Federal permits. The following information is specifically required:

1. The elevation, in relation to mean sea level, of the lowest floor (including basement);
2. Whether or not the structure includes a basement;
3. If the structure is to be floodproofed, the elevation (in relation to mean sea level) to which the structure is to be floodproofed;
4. If the structure is to be floodproofed, a document certified by a registered professional engineer or architect certifying that the floodproofing methods used meet the provisions of this section; and,
5. The elevation of the one hundred (100) year flood.

L. Municipality Liability - The lawful granting of a permit or making of any administrative decision under this section shall not constitute a representation, guarantee, or warranty of any kind by Elizabeth Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this section. There is also no assurance that lands not included in the FP - Floodplain Zone are now or ever will be free form flooding or flood damage.

M. Abrogation and Greater Restrictions – This Ordinance supercedes any ordinances currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

**ARTICLE 3  
GENERAL PROVISIONS**

**SECTION 300 GENERAL PROVISIONS**

The regulations contained within Article 3 shall apply to all uses within the Township.

**SECTION 301 ACCESS DRIVE REQUIREMENTS**

In addition to the requirements of the governing Subdivision and Land Development Ordinance, the following shall apply:

- A. Number per lot - Except as specified elsewhere, the number of access drives intersecting with a street may not exceed two (2) per lot frontage. The Zoning Hearing Board may grant a special exception for additional access points where required to meet exceptional circumstances, where frontage of unusual length exists and where more than one (1) principal use exists on a lot.
- B. Setbacks - All access drives shall be setback at fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.
- C. Slope - Access drives shall not exceed a slope of four (4%) percent within seventy-five (75) feet of the intersecting street centerline.
- D. Access Drive Width - The following table specifies various access drive width requirements:

Function	Required Cartway Width
Two lanes of traffic without on-street parking*	24 feet
One lane of traffic without on-street parking**	12 feet
* Off-street parking lots must be provided in accordance with Section 311 of this Ordinance and the prohibition of on-street parking must be identified along the cartway.	
** The one-way direction of traffic must be identified along the cartway.	

**SECTION 302 ACCESSORY USES AND STRUCTURES**

- A. Fences and Walls - No fence or wall (except agricultural, required junk and/or salvage yard, tennis court walls or fences, or a retainer wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than three (3) feet in a front yard and more than six (6) feet in any other yard within any Agricultural, Conservation, Village Commercial, Rural or R-1 and R-2 Residential Zone. Within any Industrial or Highway Commercial Zone, no fence or wall shall be erected to a height of more than ten (10) feet in any yard. All yards used for the storage of any material needed for the operation or conduct of an industrial, manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, chain link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any zone or existing residence, other than a commercial or industrial zone. No fence shall block motorist view of vehicles entering or exiting the property. Except as required elsewhere within this Ordinance, permitted fences are expressly exempted from principal and accessory use setbacks. Agricultural fences shall be set back six (6) feet from the street right-of-way line. Otherwise, fences and



walls on farms as defined herein may be erected, altered and maintained at the established property line.

- B. Swimming Pools, Outdoor Hot Tubs and Spas - No permanent structure shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent. All swimming pools, hot tubs or spas shall be completely enclosed by a four (4) foot high fence or wall with a self-closing and lockable gate; however, this does not apply to above-ground pools, hot tubs or spas having a wall measuring four (4) feet in height and having a retractable ladder. Such fence or wall shall be erected before any pool, hot tubs or spa is filled with water. All pools, hot tubs or spas must be setback at least ten (10) feet from all lot lines. No water from a pool, hot tubs or spa shall be discharged onto any public street or alley. These requirements shall not apply to man-made ponds, lakes or other impoundments unless the primary purpose for their construction is swimming.
- C. Tennis Courts - All tennis courts shall include an open mesh permanent fence ten (10) feet in height behind each baseline. Such fence shall extend parallel to said baseline at least ten (10) feet beyond the court's playing surface unless the entire court is enclosed. Any lighting fixtures shall be arranged to prevent objectionable glare on adjoining property.
- D. Satellite Dish Antennas - Satellite dish antennas are subject to all accessory use standards. Furthermore, any satellite dish antenna located within the Agricultural, Conservation, Village Commercial, Rural or Residential Zones shall be used only to receive signals, not transmit them. All ground-mounted satellite dish antennas located within the Industrial or Highway Commercial Zones that are used to transmit video format data shall be completely enclosed by an eight-foot-high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the Industrial or Commercial Zones shall comply with all dimensional requirements for principal uses.
- E. Alternative Energy Sources - Except for those contained on farms, Wind Energy Conversion Systems (WECS) shall not be permitted in the front yard area of any property. Height regulations do not apply to WECS units provided that the height of the WECS unit shall not be greater than the shortest distance measured along a horizontal plane from the unit to any lot line. WECS units may be placed on the roof of any structure provided that the perimeter of the unit does not cover twenty-five (25%) percent of the roof area of the structure on which the WECS unit is placed. The additional height extension shall be so positioned that the height of the WECS unit above the roof is less than the distance measured along a horizontal plane from such unit to any lot line. All transmission lines to and from any freestanding WECS unit or any supporting building or structure shall be buried underground. Solar energy units shall be permitted in any zone and subject to the requirements of that zone.
- F. Ornamental Ponds and Wading Pools
1. Such structures shall comply with all accessory use setbacks.
  2. No such impoundment shall contain more than 26.6 cubic feet of water (200 gallons). All ponds, pools or other impoundments exceeding the requirements of this Section shall be considered as "Man-made Lakes, Ponds, Dams and Impoundments" and are subject to the criteria listed in Section 301.G of this Ordinance;

3. No such impoundment shall have a length or diameter exceeding fifteen (15) feet or a maximum depth exceeding two (2) feet;
4. All such ponds or pools shall be maintained so to not pose a nuisance by reason of odor, or the harboring of insects; and,
5. No such pond(s) shall be used for the commercial hatching of fish or other species.

G. Man-Made Lakes, Ponds, Dams, and Impoundments

1. All lakes, ponds, dams and impoundments may be permitted in any zone subject to the following:
2. All lakes, ponds, dams and impoundments, excluding stormwater management basins, shall comply with applicable State and Federal regulations and permitting requirements.
3. All lakes, ponds, dams and impoundments, excluding stormwater management basins, shall be located at least seventy-five (75) feet from adjoining lot lines, and any subsurface sewage disposal system or well.
4. Requirements for Fencing - All lakes, ponds, dams or impoundments constructed within areas occupied by livestock shall be enclosed by fencing that prevents livestock from trampling the pond's shores and polluting the waters.
5. Maintenance - All lakes, ponds, dams or impoundments shall be regularly maintained and floating debris shall be removed from all pipes and spillways. All groundcover shall be trimmed. Weeds, brush and trees shall not be permitted to grow on the dam or spillway.

H. Garage/Yard Sales

Within any zone, an owner and/or occupant may conduct up to two (2) garage/yard sales per year. No garage or yard sale shall be conducted for a period longer than two consecutive days. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted. Only one four (4) square foot sign shall be permitted advertising the garage/yard sale; such sign must be located upon the premises where the sale occurs, and shall be removed promptly upon the completion of the sale. In no case shall any aspect of the garage/yard sale be conducted in a street right-of-way. The conduct of garage sales beyond the extent described herein represents a commercial business and requires appropriate zoning authorization.

## SECTION 303 AGRICULTURAL ACTIVITIES AND USES

### Agricultural Nuisance Disclaimer

- A. All lands within Elizabeth Township are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.
- B. Agricultural activities shall be conducted in a manner compatible with accepted good agricultural practices and applicable local and state regulations.
- C. All grazing areas or pasture areas used for grazing shall be fenced.
- D. No agricultural operation shall be conducted within a public right-of-way.
- E. No shrub, nor tree shall be planted within ten (10) and fifteen (15) feet, respectively, of any adjoining land used for agricultural crop production.
- F. As much as possible, all structures should be placed on soils which have the poorest Agricultural Land Capability Classification as defined by the United States Department of Agriculture, and all proposed uses shall be situated in a manner reducing to a minimum the amount of productive agricultural land which is converted to the proposed uses.
- G. Any agricultural, horticultural, forestry and related uses or commercial harvesting of vegetation operation which involves earthmoving activities shall require the obtainment of an approved conservation plan by the Lancaster County Conservation District, pursuant to Chapter 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection. All on-site earthmoving activities shall be conducted in compliance with the approved conservation plan.
- H. A Nutrient Management Plan, if required by state or federal legislation or regulation, shall be provided. If state or federal legislation or regulation do not require a nutrient management plan, the applicant shall provide a Nutrient Balance Sheet. The Nutrient Management Plan or Nutrient Balance Sheet shall demonstrate that the rate of application of nutrients does not exceed the demand created by the cropping system. The Township may request that the Nutrient Management Plan or Nutrient Balance Sheet be submitted to the Lancaster County Conservation District for review and approval.
- I. The location of manure storage and processing facilities shall conform to the requirements of the Pennsylvania Nutrient Management Act. Notwithstanding anything contained in this Ordinance to the contrary, all manure shall be stored, managed and applied in a manner to comply with the Clean Streams Law, the Pennsylvania Nutrient Management Act and the practices prescribed by the Manure Management Manual and the Best Management Practices Manual for Pennsylvania Livestock and Poultry Operations.
  - 1. The design and construction of all manure storage facilities shall be reviewed and approved by the Lancaster County Conservation District. The applicant shall furnish

a letter from the District attesting to the adequacy of the design and subsequently, the adequacy of the construction of the manure storage facility. As an alternative, the applicant may engage the services of a registered professional engineer to attest to the adequacy of the design and subsequently, the adequacy of the construction of the manure storage facility.

J. Separation Distances

1. All buildings and structures for the housing of livestock or poultry for agricultural operations located in all zones, with the exception of the Agricultural Zone, where the animal density **will not** exceed two thousand pounds (2,000) of live weight per acre on an annualized basis shall not be located within fifty (50) feet from any adjoining lot line, except that the distance shall be two hundred (200) feet from any adjoining residence or commercial building in which people are employed or work. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings.
2. All buildings and structures for the housing of livestock or poultry for agricultural operations in all zones, with the exception of the Agricultural Zone, where the animal density **will** exceed two thousand pounds of live weight per acre on an annualized basis shall not be located within five hundred (500) feet of an adjoining residence or commercial building in which people are employed or work. Any exhaust shall be directed away from the closest adjoining residences or commercial buildings.
3. Where it is shown that, because of prevailing winds, topography, unusual obstructions, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, the Zoning Hearing Board may, as a Special Exception, reduce the above special setback requirements. In no case, however, shall the Zoning Hearing Board reduce the special setback requirement to less than one hundred (100) feet. The burden shall be on the applicant to prove that a lesser distance would not be detrimental to the health, safety, and general welfare of the community.
4. These separation distances are not required when the owner of adjoining residence or commercial building in which people are employed or work waives this requirement by binding written agreement that is in a recordable form and is acceptable to the Township.

K. The importing of any material for the purpose of composting and disposal upon the property, or for the composting, processing or sale on any property is prohibited. Composting shall be limited to the composting of manure and waste products produced upon the property. Nothing in this section shall prohibit a bonafide agricultural operation from composting manure produced on the property, including the importing of composting materials necessary to modify/maintain the optimum carbon to nitrogen ratio.

L. A minimum lot of ten (10) acres is required for livestock or poultry for agricultural operations where the animal density exceeds two thousand pounds of live weight per acre on an annualized basis.

M. The applicant shall present credible evidence that any proposed livestock or poultry operation where the animal density will exceed two thousand pounds of live weight per

acre on an annualized basis will be conducted in accordance with the applicable standards as produced by the Pennsylvania Department of Agriculture, the State Conservation Commission, DEP, Pennsylvania State University, College of Agriculture, or similar recognized entity.

### **SECTION 304 CORNER LOTS**

A front yard, as provided for in the area and lot requirements for the various zones, shall be required along each street on which a corner lot abuts. The remaining yards shall be deemed rear and side yards. For purposes of determining the rear yard, it shall be the yard or yards opposite the address street. All other non-front and non-rear yards shall be deemed side yards.

### **SECTION 305 DRIVEWAY REQUIREMENTS**

In addition to the requirements of the governing Subdivision and Land Development Ordinance, the following shall apply:

- A. Number per lot - No more than two (2) driveway connections per lot shall be permitted.
- B. Setbacks - Driveways shall not connect with a public street within fifty (50) feet of the right-of-way lines of any intersecting streets, nor within five (5) feet of a fire hydrant or adjoining lot lines.
- C. Slope - A driveway shall not exceed a slope of eight (8%) percent within twenty-five (25) feet of the street right-of-way lines.
- D. Driveway Width - No driveway shall provide a curb cut exceeding twenty-four (24) feet in width.
- E. Drainage - Driveways shall be constructed in a manner to be consistent with the design, maintenance, and drainage of the street.
- F. Driveways shall be located so as to provide sight distance at intersections with streets and shall not be located within any required clear sight triangle in accordance with the applicable Subdivision and Land Development Ordinance.
- G. Driveways that intersect other than a minor collector or local road shall provide adequate turnaround area within the lot so egress to the street is in a forward direction.
- H. Farm lanes shall be maintained to keep intersecting streets free of excessive dirt from farm equipment and storm water washouts.

### **SECTION 306 ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT**

More than one principal use may be established on a single lot in accordance with the following requirements:

- A. The minimum lot area required for a lot which has more than one principal use shall be calculated by adding the minimum lot areas required for each use as though each use were located on a separate lot.
- B. Each structure housing a principal use shall meet all requirements of this Ordinance. The applicant for such principal use shall present a plan which shall

demonstrate that each proposed principal use meets all requirements of the zoning district in which the use is located, except as such requirements may be modified by this Section.

- C. When a second or subsequent principal building is constructed upon on a lot, such building shall be located in such a manner so that the lot may be subdivided in the future without such principal buildings being in conflict with the requirements of this Ordinance. The applicant shall obtain land development approval prior to obtaining a zoning permit for the erection of such second or subsequent principal building.
- D. An applicant may, by special exception, establish a second or subsequent principal use in buildings existing on a lot on the effective date of this Section where the location of the existing buildings will not comply with Sections 307.A through 307.C above if applicant demonstrates compliance with all of the following requirements:
  - 1. The size or configuration of the existing structures makes a single use of the structures impractical.
  - 2. The principal uses proposed for the lot are compatible with each other and are permitted in the district in which the lot is located.
  - 3. The establishment of the proposed uses will not be detrimental to the surrounding neighborhood.
  - 4. The establishment of the proposed uses will not prevent future subdivision or reuse of the lot.

### **SECTION 307 FORESTRY ACTIVITIES**

- A. Forestry Activities. In accordance with the requirements of Section 603(f) of the MPC, as amended by Act 68 of 2000, forestry including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that the forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.
- B. Forestry Activities shall be conducted in accordance with an erosion and sedimentation pollution control plan that is consistent with current acceptable practices to control runoff, erosion, stream siltation and soil stabilization.
- C. The erosion and sedimentation pollution control plan shall be submitted to the Lancaster County Conservation District for their review and approval prior to initiating any earth moving or timber harvesting activities.
- D. The erosion and sedimentation control plan, along with evidence of the review and approval of same by the Lancaster County Conservation District, shall be submitted to the Township prior to initiating any earth moving or timber harvesting activities.
- E. All roads and trails developed as part of a timbering activity shall be dust stabilized when within 100 feet of any lot or street line.

### **SECTION 308 HEIGHT LIMIT EXCEPTIONS**

- A. The height regulations do not apply to the following structures or projections provided such structures or projections are setback a horizontal distance at least equal to their height from any property line:
1. Water towers, antennas, smokestacks, chimneys, farm silos, windmills, flagpoles, or other similar structures.
  2. Roof-top structures for the housing of elevators, stairways, water storage tanks, ventilating fans, and other mechanical appurtenances; and,
  3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roof line.
  4. Public utility structures and poles are excluded from height / setback regulations.
- B. In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for residential, commercial or industrial purposes.

### **SECTION 309 MINIMUM HABITABLE FLOOR AREA**

All dwelling units must conform to the minimum habitable floor area following:

- A. Single-family, farm dwelling, duplex and townhouse dwelling units: 700 square feet per dwelling unit.
- B. Multi-family dwellings: 400 square feet per dwelling unit.

### **SECTION 310 MUNICIPAL USES**

Municipal uses shall be permitted as uses as of right within all zoning districts. Municipal uses shall be exempted from minimum lot area, minimum lot width, minimum lot depth, yard, impervious surface area or coverage, off-street parking, landscaping and all other requirements of this Ordinance.

### **SECTION 311 OBSTRUCTIONS TO VISION**

On any lot, no wall, fence, sign, on-street parking, road-side stand or other structure shall be erected, altered, or maintained, and no hedge, tree, agricultural crop or other growth shall be planted or maintained which may cause danger to traffic on a street by obscuring the view. On corner lots, no such structure or growth shall be permitted within any sight triangle as may be prescribed by the governing Subdivision and Land Development Ordinance.

## SECTION 312 OFF-STREET LOADING FACILITIES

- A. Off-street loading shall be required in accordance with this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
1. A new use is established.
  2. The use of a property or building is changed and thereby requiring more loading space; and
  3. An existing use is enlarged thereby requiring an increase in loading space.
- B. Site Plan Approval
1. Each application for a zoning permit (for use for which off-street loading spaces are required) shall include a drawing (site plan) showing the proposed layout of the loading area. The drawing shall clearly indicate the design elements required below.
  2. No zoning permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.
- C. Surfacing - All off-street loading facilities, including access drives, shall be constructed and maintained with a paved surface of concrete or bituminous materials, gravel or other dust-free surface, approved by the Board of Supervisors.
- D. Location - Except as provided elsewhere, a ground-level loading area may be located in any side or rear yard. No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential zone. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential zone.
- E. Connection to Street - Every loading space shall be connected to a street by means of an access drive. Section 310 specifies other requirements for access drives.
- F. Separation from Streets, Sidewalks, and Parking Lots - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
- G. Drainage - Off-street loading facilities (including access drives) shall meet the stormwater management design requirements of the governing ordinance(s).



- H. Required Off-Street Loading Facilities Sizes - The following lists required minimum loading space sizes, in feet (excluding access drives, entrances, and exits):

<b>Use</b>	<b>Length</b>	<b>Width</b>	<b>Height (if covered or obstructed)</b>
Industrial, wholesale and storage uses:	63 feet	12 feet	15 feet
All other uses:	33 feet	12 feet	15 feet

- I. Lighting - Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off of the site.
- J. Landscaping Buffer and Screening Requirements - Unless otherwise indicated, all off-street loading facilities shall be surrounded by a fifteen-foot-wide landscape buffer strip. All off-street loading facilities shall also be screened from adjoining residentially zoned properties and/or adjoining public streets and existing residences.
- K. Schedule of Off-Street Loading Spaces Required  
*GLA-Gross Leasable Floor Area*

<b><u>Type of Use</u></b>	<b><u>Number Spaces</u></b>	<b><u>Unit of Measurement</u></b>
Hospital or other institution	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)

<b><u>Type of Use</u></b>	<b><u>Number Spaces</u></b>	<b><u>Unit of Measurement</u></b>
Hotel	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None	First 2,000 square feet
	1.0	2,000 to 25,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None	Less than 100 dwelling units
	1.0	100 to 300 dwelling units

	+1.0	Each additional 200 dwelling units (or fraction)
Office building, including banks	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)
Retail sales and services, per store	None	First 2,000 square feet
	1.0	2,000 to 10,000 square feet
	2.0	10,000 to 40,000 square feet
	1.0	Each additional 100,000 square feet (or fraction)
Shopping Centers (integrated shopping centers, malls, and plazas) having at least 25,000 square feet of GLA	1.0	25,000 square feet of GLA up to 1000,000 square feet of GLA
	+1.0	Each additional 100,000 square feet of GLA
Theater, auditorium, bowling alley, or other recreational establishment	None	First 10,000 square feet
	1.0	10,000 to 100,000 square feet
	+1.0	Each additional 100,000 square feet (or fraction)

<u>Type of Use</u>	<u>Number Spaces</u>	<u>Unit of Measurement</u>
Undertaking establishment or funeral parlor	None	First 3,000 square feet
	1.0	3,000 to 5,000 square feet
	+1.0	Each additional 10,000 square feet (or fraction)

Wholesale or warehousing, (except Mini-warehousing)	None	First 1,500 square feet
	1.0	1,500 to 10,000 square feet
	+1.0	Each additional 40,000 square feet (or fraction)

### SECTION 313 OFF-STREET PARKING REQUIREMENTS

- A. Off-street parking shall be required in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
1. A building is constructed or a new use is established.
  2. The use of an existing building is changed to a use requiring more parking facilities; and
  3. An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- B. Each parking space shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle. Parking space within a garage or carport shall be considered a parking space meeting the requirements of this Section if access can be so provided.
- C. All parking spaces shall be provided on the same lot as the use to which the parking space relates.
- D. Parking for Single Family Dwellings - Every single-family dwelling shall be required to provide at least two (2) off-street parking spaces. Such spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. Additional regulations pertaining to driveways are contained in Section 305 of this Ordinance. The following regulations contained in this Section do not apply to off-street parking facilities serving one single-family dwelling.
- E. Site Plan Approval
1. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below.
  2. No zoning permit shall be issued for any use for which parking spaces are required unless the site plan has been approved or necessary variances have been obtained.
- F. Surfacing - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, gravel or another dust-free surface, approved by the Board of Supervisors.
- G. Separation from Streets and Sidewalks - Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked cars cannot project into the streets, yards, or walkways.

H. Drainage - Parking lots shall be graded to a minimum slope of one (1%) percent to provide for drainage. Adequately sized inlets, storm sewers and/or swales shall be provided to discharge stormwater in accordance with a plan to be approved by the Township.

I. Parking Space Sizes - The following lists required minimum space sizes in feet:

Standard car spaces:

Parallel	22 by 8
Non-parallel	20 by 9

J. Design Standards for Handicapped Parking Spaces

Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act (ADA), as may be amended from time to time.

K. Interior Access Driveway Widths

1. Interior access driveways between rows of parking spaces shall have the minimum widths indicated in the following table:

<b>Angle of Parking</b>	<b>Width of Interior Access Driveway in feet; (One-way Traffic)</b>	<b>Width of Interior Access Driveway in feet; (Two-way Traffic)</b>
90 degrees	22	25
60 degrees	18	22
45 degrees	13	22
30 degrees	12	22
Parallel	12	22

2. Interior access driveways in areas where there is no parking permitted shall be at least twelve (12) feet wide for each lane of traffic.

L. Marking of Parking Spaces and Interior Drives All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. As a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four (4) inches in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white non-reflective traffic line paint, or equivalent.

In the event parking lots are constructed of gravel or other dust-free, unpaved surface, the Township may at its option, have spaces marked with precast concrete bumpers or similar devices.

M. Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.

N. All dead end parking lots shall be designed to provide sufficient back-up area for all end spaces.

O. Lighting - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to reflect or glare on land used for residential purposes, or adjoining lots or streets.

P. Access Drive Requirements - Every parking lot shall be connected to a street by means of an access drive. Section 301 specifies other requirements for access drives.

Q. Landscaping and Screening Requirements

The following landscaping and screening requirements shall apply to all parking lots:

1. Buffer Area

a. When a parking lot is located in a yard that abuts a street, a landscaped buffer area shall be provided on the property along the entire street right-of-way line. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the buffer area. This buffer area shall be measured from the street line. The buffer area may be located within any other landscaped strip required to be located along a street.

The following lists required width of landscape strips:

<b>Number of spaces In parking lot including joint facilities</b>	<b>Landscape buffer width in feet measured from street R.O.W. line</b>
Less than 100	15
100 to 250	20
Over 250	25

b. Unless otherwise indicated, all parking lots constructed in side or rear yards (as defined herein) shall be setback a minimum of fifteen (15) feet from all property lines. Such setbacks shall be used for buffer areas.

2. Screening - When a parking lot is located on property that adjoins land in a residential zone or adjoins an existing residentially used structure, the parking lot shall be screened from the adjoining residential property or district, in accordance with the requirements of Section 313.

R. Joint Parking Lots

In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty (20%) percent. Therefore, the resulting joint parking lot will be required to provide at least eighty (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicle and each of the shopping center's stores.

S. Prohibited Uses of Parking Lot

Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use that requires them. Parking lots shall not be used for the following and/or loading purposes:

1. The sale, display, or storage of automobiles or other merchandise
  2. Performing services (including services to vehicles)
- T. Schedule of Required Parking Spaces - The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
<b><u>Commercial Uses</u></b>	
Automobile repair, filling and washing facilities	400 square feet of gross floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and 1 per employee on major shift
Automobile, boat and trailer sales	500 square feet of gross sales floor area
Carpeting, drapery, floor-covering, and wall covering sales	500 square feet of gross sales floor area
Convenience stores	75 square feet of gross floor area
Drive-thru and/or fast food restaurant	2 seats and 1 per each 2 employees
Food markets, and grocery stores	100 square feet of floor area for public use and 1 per each employee on 2 largest shifts
<b><u>Minimum of One Parking Space for Each</u></b>	
<u>Type of Use</u>	
Funeral homes	100 square feet of gross floor area, 1 per each employee, and 1 per each piece of mobile equipment such as hearses and ambulances
Furniture sales	500 square feet gross sales floor area
Hotel, motel tourist home	Guest sleeping room and 1 per each employee on 2 largest shifts. (Restaurants and other accessory uses

shall be viewed separately.)

Mini warehouses	Per each 25 units plus 1 per 250 square feet of office space plus 2 per any resident manager
Office buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	6 spaces per each physician or dentist, etc.
Retail store or shop (except those listed above)	200 square feet of gross floor area of display area or sales area and 1 per each employee on 2 largest shifts
Restaurant	4 seats plus 1 per each employee on largest shift
Shopping centers or malls	182 square feet of gross leasable floor area
Other commercial buildings	400 square feet of gross floor area

#### **Industrial Uses**

Industrial and heavy manufacturing establishments	2 employees on the 2 largest shifts or at least 1 space per each 1,000 square feet of gross floor area, whichever is the greatest number
Warehousing	Employee on the 2 largest shifts

#### **Recreation Uses**

Amusement Arcade	80 square feet of gross floor area
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#### **Type of Use**

#### **Minimum of One Parking Space for Each**

Athletic field	4 seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be
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provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a fence delineating such parking area.

Bowling alley billiard room	1/4 lane/table and 1 per each 2 employees
Campgrounds	Per campsite, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Golf course	1/8 hole, plus 1 per employee, plus 50% of the spaces normally required for accessory uses
Golf driving range	1 per tee and 1 per employee
Miniature golf course	1/2 hole and 1 per employee
Riding school or horse stable	2 rental stalls plus 1 per every 4 seats of spectator seating
Picnic area	Per table
Skating rink	4 persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	4 persons of legal occupancy
Tennis or racquetball clubs	1/4 court plus 1 per employee plus 50% of the spaces normally required for accessory uses

### **Residential Uses**

Residential dwelling	1/2 dwelling unit (i.e., 2 spaces per dwelling unit)
Rooming house, group home and bed and breakfast	Bedroom

### **Social and Institutional Uses**

Auditorium, church, theater, and other such places of public assembly each 4 seats	200 square feet but not less than 1 space per
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<u>Type of Use</u>	<u>Minimum of One Parking Space for Each</u>
Clubs, lodges, and other similar places	2 seats but not less than 100 square feet of gross floor area and 1 per each employee on 2 largest shifts
Nursing, rest or retirement homes	3 accommodations (beds) in addition to those needed for doctors and support staff
Hospital, sanitarium	Spaces shall be provided for visitors, at the rate of at least 1 space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel
Museum, art gallery cultural center, library	400 square feet of gross floor area
Rehabilitation centers, (without overnight accommodations)	1 per each employee and per each 3 people anticipated to be handled through the facility
Schools below grade ten including commercial day care and kindergarten	6 students enrolled
Schools, tenth grade and above, including colleges	3 students enrolled
Vocational training and adult education facilities	1.5 students enrolled

## **SECTION 314 OUTDOOR SIGNS**

### **A. General Regulations for all Signs**

1. Signs must be constructed of durable material and maintained in good condition.
2. No sign shall be maintained within the Township in such a state of disrepair as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings.
3. Whenever a sign becomes structurally unsafe or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days.

4. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
5. Each sign shall be removed when the circumstances leading to its erection no longer apply.
6. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.
7. No sign shall be of the intermittent flashing or rotating type, unless located within the Industrial Zone.
8. No sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing.
9. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
10. Signs must be positioned so that they do not interfere with any clear sight triangle or safe sight distance.
11. Determination of Size: The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments but not including any supporting frame work or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, provided, however, for a double face sign if the interior angle formed by the two faces of the double face sign is less than 45 degrees and the two faces are at no point more than three feet from one another, the area of only the larger face shall be included.
12. No lewd, vulgar, indecent, or obscene advertising matter shall be displayed in any manner including but not limited to:
  - a. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts that are prohibited by law.
  - b. Scenes wherein a person displays the vulva or the anus or other genitals;
  - c. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above; and,
  - d. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.

13. No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.
14. No sign shall be placed in such a position that it will obscure light or air from a building or which would create a traffic danger.
15. No sign shall be permitted which is permanently attached to public utility poles or trees within the right-of-way of any street.
16. No sign located within the Floodplain Zone.
17. In the event that a symbol, trademark or other such figure is used as a signpost or standard that could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable sign area.

B. Specific Regulations for Signs - In addition to the general sign regulations listed in the preceding Section 314.A, specific regulations contained within this section shall also apply to all signs. For the purposes of this Ordinance, each sign is classified by its (1) use and (2) by its type of construction. Specific sign requirements are listed by use, and then by construction type; therefore each sign must comply with those regulations specified for its classification of use and its classification by type of construction.

1. Classification of Signs by Use - All signs shall be divided into the following types of uses and shall be subject to the specific regulations listed therewith:
  - a. Official traffic signs - No specific regulations are applied to this type of sign use.
  - b. Professional accessory use, home occupation or home business use, or name signs indicating the name, profession, or activity of the occupant of a dwelling, and trespassing signs, or signs indicating the private nature of a driveway or premises - The area on one (1) side of such sign shall not exceed two (2) square feet nor project more than six (6) inches from a wall when attached to a building.
  - c. Identification signs identifying clubs, lodges, farms, estates, or similar uses - A total of six (6) square feet per side will be allowed. Not more than two (2) such signs per organization will be permitted on the site.
  - d. Temporary signs of contractors, architects, mechanics, and artisans -The signs shall be displayed only while actual work is in progress, and shall not exceed six (6) square feet in area, and provided further that such signs must be removed promptly upon completion of work. Should such sign be left on the site beyond the allowable time frame, the Township may impound it and recover a fee from the owner of the sign equal to the costs of removal and storage of the sign.
  - e. Real estate sale-sold-rent-development signs when placed on the property to be sold, rented, or developed - These signs shall not exceed (6) square feet in area for each one hundred (100) feet of frontage, and provided further that no sign shall exceed twenty-four (24) square feet in area. All such signs shall be removed within five (5) days after final transactions are completed.

- f. Business, commercial, or industrial signs - a sign for a permitted use conducted on the premises which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on the premises. The total sign area shall not exceed one (1) square foot per five (5) lineal feet of lot frontage. The total number of signs allowed is one per lot or one per adjoining lots occupied by the same use. If the lot's frontage exceeds 1000 feet, one additional sign is permitted.
- g. Functional signs such as those designating restrooms, entrance, exit, or other signs not otherwise defined or directly connected with the business or profession conducted upon the premises, but attendant or accessory thereto - Two signs per frontage used for vehicular access are permitted. Each sign shall not exceed two (2) square feet in total sign area.
- h. Planned center signs - Signs advertising the name of an integrated development such as a planned shopping center, office or apartment complex, or industrial park. These signs shall devote no less than fifty (50%) percent of the total sign area to the advertisement of the planned center's name. Additionally, individual uses within the center may be advertised, but shall be flat wall, wall projecting, and/or roof signs as defined in Section 314.B.2. of this Ordinance. No other ground signs shall be permitted for those uses within the planned center. Only one (1) planned center sign per frontage of the planned center shall be permitted. The size of such sign shall not exceed one (1) square foot for each four (4) feet of frontage contained within the planned center. In no case shall a planned center sign exceed a maximum size of two hundred (200) square feet or an overall height of twenty (20) feet.
- i. Temporary (special event) signs and banners - One such sign may be permitted per lot for one period not exceeding thirty (30) days during any calendar year. Such signs shall be limited to a maximum thirty-two (32) square feet in total sign area.
- j. Billboards - These signs are only permitted by conditional use in selected zones. See Section 410 of this Ordinance for additional requirements.
- k. Roadside stand signs - The total area of all signs shall not exceed 64 square feet and shall not obstruct vision (See Section 317).
- l. Public use signs used to identify the name and display information about a public use, such as a government building, school, park, firehouse cemetery, or church - A total of thirty-two (32) square feet per side will be allowed. Only one (1) such sign per organization will be permitted on the site.
- m. Off-premises identification signs - In addition to the requirements above any nonprofit or civic organization (churches, schools, clubs, lodges, etc) shall be permitted to erect two off-premise signs within the Township. Such signs shall not exceed six (6) square feet per side. If more than one organization collectively erects one sign, each organization shall be permitted a maximum of six (6) square feet of sign area; however, no such sign shall exceed a total sign area of twenty-four (24) square feet. Each use of a

collective sign shall constitute one (1) of the organization's two (2) permitted off-premise signs.

2. Classification of Signs by Type of Construction - All signs shall be divided into the following types of construction and shall be subject to the specific regulations listed therewith:

- a. Ground sign - Any sign erected upon a permanently affixed independent structure (legs or base) so that such structure is the main support of the sign. Ground signs shall not include temporary signs that are attached to mobile trailers containing wheels and capable of being towed from one site to the next.

No ground sign shall project to a point nearer than twelve (12) feet from the edge of a street right-of-way. (Unless obstructing view, at which time further setback is required.) No support for any ground sign shall be located nearer than twelve (12) feet to any property line. Such signs shall not exceed twenty (20) feet in height nor exceed eighty (80) square feet in total sign area; however, planned center signs may have a maximum size of two hundred (200) square feet. Billboards, as regulated in Section 410 are exempt from these specific requirements.

- b. Flat wall sign - A sign erected or displayed on or parallel to the surface of a building.

Flat wall signs may have a maximum area of fifteen (15%) percent of the wall area of the wall on which the sign is to be erected.

Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas. Flat wall signs shall not project more than twelve (12) inches from the building wall and must be located so that the lower edge is a minimum of eight (8) feet above grade where the sign projects from the wall more than three (3) inches.

- c. Wall projecting sign - Any sign mounted upon a building so that its principal face is at right angles to the building wall.

Projecting signs shall be located upon the buildings so that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may project a maximum of ten (10) feet from the building wall, provided however, that no sign shall project to a point nearer than twelve (12) feet from the edge of the street right-of-way.

No projecting sign shall extend more than fifteen (15) feet above the top of the wall upon which it is mounted.

Wall projecting signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the

edges of said canopy or marquee or extend within otherwise prohibited areas.

- d. Roof sign - A sign erected or displayed upon the roof of any building or structure or a wall sign, a portion of which exceeds the height of the building.

No roof sign shall be placed upon the roof of any building so as to prevent the free passage from one part of the roof to the other thereof, or interfere with any openings in such roof.

No sign erected upon the roof of any building shall project beyond the edges of said roof in any direction.

Roof signs may extend above the roof, or top of wall, a distance equal to one-half (1/2) the height of the wall or fifteen (15) feet, whichever is the smaller height.

Roof signs may have a maximum area of fifteen (15%) percent of the wall area to which the sign is attached.

No roof sign parallel to a building shall extend in length a distance greater than two-thirds (2/3) the length of the wall to which it is parallel.

## C. Permits

### 1. Requirements for Signs

The following signs shall be permitted without requirement of permit for erection when erected and maintained in conformity hereto:

- a. Official traffic signs.
  - b. Professional, accessory use, or name signs.
  - c. Temporary signs of contractors, architects, mechanics and artisans.
  - d. Real estate sale-sold-rent-development signs.
  - e. Functional signs.
  - f. Signs within buildings, not visible from outdoors.
2. All other signs shall require the obtainment of a permit prior to the erection or installation of the sign.

All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:

- a. Exact dimensions of the lot including any right-of-way lines or building upon which the sign is proposed to be erected.

- b. Exact size, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation; and
- c. Any other lawful information which may be required of the applicant by the Zoning Officer.

Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.

No sign permit shall be issued except in conformity with the regulations of this Ordinance except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

Permits shall be granted or refused within fifteen (15) days from date of application, or within fifteen (15) days from the date of the Zoning Hearing Board's decision (where applicable).

#### **SECTION 315 REQUIRED VEHICULAR ACCESS**

- A. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in terms of the governing Subdivision and Land Development Ordinance, as may be amended from time to time, for street design or as subsequently provided for by the Township. See Section 305 (Driveway Requirements) and Section 301 (Access Drive Requirements).
- B. PENNDOT Permit - Any driveway intersecting with a State-owned road shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.

## SECTION 316 ROADWAY CLASSIFICATIONS

For the purposes of this Ordinance, the Township's roads shall be classified in the following categories:

Arterial Roads	Major Collector Roads	Minor Collector Roads
28th Division Highway (U.S. 322) Furnace Hill Pike (PA 501) Pennsylvania Turnpike (PA 76)	Brubaker Valley Road Brunnerville Road Clay Road Lexington Road Newport Road	Hopeland Road Reifsnyder Road Sleepy Hollow Road Snavelly Mill Road Speedwell Forge Road
All other roads shall be considered to be <u>Local Roads</u> .		

## SECTION 317 SCREENING AND LANDSCAPING REQUIREMENTS

- A. Yard Groundcover - Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season groundcover (e.g. grass, ivy, vetch, pachysandra, etc.). In addition, gravel can be substituted if done in a manner to compliment other vegetative materials. It shall be maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
- B. Screening - The following materials may be used: evergreens (trees, hedges, or shrubs), walls, fences, earth berms, or other approved similar materials. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation.
- C. Selection of Plant Materials - Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

Any tree or shrub that dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained.

## SECTION 318 SETBACK MODIFICATIONS

- A. Front Setback of Buildings on Built-up Streets - Where at least two adjacent buildings within one-hundred (100) feet of a property are setback a lesser distance than required, the average of the lesser distances becomes the required minimum front setback for the property. However, in no case shall the setback line be less than thirty (30) feet from any abutting street right-of-way line.
- B. Accessory or Appurtenant Structures - The setback regulations do not apply to:
1. Bus shelters; telephone booths; and cornices, eaves, chimneys, steps, canopies, and similar extensions but do apply to porches and patios whether covered or not.
  2. Open fire escapes.



3. Minor public utility structures, articles of ornamentation or decoration.
  4. Fences, hedges and retaining walls.
- C. Accessory Buildings or Structures in Front Yards - Except as provided for elsewhere in this Ordinance, the following regulations shall apply:
1. Accessory buildings and structures which do not exceed two hundred (200) square feet in floor area and ten (10) feet in height may be permitted between the non-address street and the principal structure as an accessory use subject to the following:
    - a. The accessory building or structure shall not encroach upon the front yard requirement of the underlying zoning district.
    - b. The accessory building or structure shall not be located closer to the address street front lot line than the principal structure.
    - c. The accessory building or structure shall be a minimum of six (6) feet from any side or rear property line.
    - d. There shall be no exterior storage between the accessory building and the street or property line(s).

#### **SECTION 319 STEEP SLOPE REQUIREMENTS**

- A. All land development applications on a site containing slopes of fifteen (15) percent, or greater, shall require the preparation of a statement by a Commonwealth-registered engineer, architect or landscape architect which includes the following minimum considerations:
1. A topographic map of the site that highlights those areas that possess slopes exceeding fifteen (15) percent. Also reflected on this map shall be all existing and proposed site improvements (e.g. buildings, roads, sewer systems, driveways and etc.);
  2. A detailed description of the methods that are being used to:
    - a. avoid the clearing of vegetation in areas that have a high potential for soil erosion.
    - b. minimize the placement of structures and other site improvements on areas with slopes exceeding fifteen (15) percent.
    - c. minimize grading throughout the site.
    - d. protect and preserve any natural wildlife and/or plant habitats that coincide with the steep-sloped areas of the site.
    - e. protect water quality on and around the site from the adverse effects of the proposed use.
    - f. manage storm water.

3. In those instances where buildings and/or other structures are being placed on slopes exceeding fifteen (15) percent, a description of the methods used to overcome foundation problems.

### **SECTION 320 UNENCLOSED STORAGE**

- A. Recreational Vehicles, Boats, Campers, Trailers and Trucks - In all zones no boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles (except personal pickup truck), shall be stored within any front yard.
- B. Outdoor Stockpiling - In all zones, no outdoor stockpiling of any material or outdoor storage of trash or junk is permitted in the front yard. In any Rural, R-1 and R-2 residential zone, the outdoor stockpiling of materials (except firewood) for more than one (1) year is prohibited.
- C. Trash, Garbage, Refuse or Junk - Except as provided in Sections 447 and 449 of this Ordinance, the outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited.
- D. Untitled vehicles and equipment routinely used in agricultural and/or construction operations on the property on which they are parked or stored shall not be stored within any front yard setback in any zone.

**ARTICLE 4  
SPECIFIC CRITERIA**

**SECTION 400 SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS, CONDITIONAL USES,  
AND OTHER SELECTED USES**

It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, by Special Exception, or by Conditional Uses within the various zoning districts established in This Ordinance. In addition to the general criteria listed in Section 604.C.2. (for Special Exceptions) and Section 704.B (for Conditional Uses), where applicable, the following sets forth standards that shall be applied to each individual use. These standards must be satisfied prior to approval of any application for a special exception or conditional use and/or issuance of a zoning permit. The applicant shall be required to demonstrate compliance with these standards and must furnish whatever evidence is necessary to demonstrate such compliance. All uses must comply with the standards expressed within the underlying zone, unless those standards expressed for the selected use specify different standards; in such cases, the specific use standards shall apply.

**SECTION 401 ACCESSORY FARM DWELLINGS**

Accessory farm dwellings are subject to the following criteria:

- A. No more than one (1) accessory farm dwelling shall be permitted on a farm.
- B. The minimum lot area and building setback requirements of the respective zoning district shall apply to the principal and accessory farm dwellings individually.
- C. The off-street parking requirements of this Ordinance shall apply to each dwelling.
- D. All water supply and sewage disposal facilities shall be approved by the appropriate agencies prior to the issuance of a building permit for the accessory farm dwelling.
- E. The location of the accessory farm dwelling must also conform to the requirements of the applicable Subdivision and Land Development Ordinance.

**SECTION 402 ADULT-RELATED FACILITIES**

Adult-related facilities are subject to the following criteria:

- A. An adult-related facility shall not be permitted to be located within one thousand (1000) feet of any other adult related facility.
- B. No adult-related facility shall be located within six hundred (600) feet of any Rural, R-1 or R-2 zoned land.
- C. No establishment shall be located within six hundred (600) feet of any parcel of land that contains any one or more of the following specified land uses:
  - 1. Amusement Park, Amusement Arcade and Commercial Recreation Facility.
  - 2. Camp (for minors' activity).

3. Child care facility.
  4. Church or other similar religious facility.
  5. Community center.
  6. Museum.
  7. Park.
  8. Playground.
  9. School or Athletic Field.
  10. Other lands where minors congregate.
  11. Existing residences.
  12. Hotels, motels and tourist homes.
- D. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.
- E. No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- F. Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed and no sale materials, merchandise or film shall be visible from outside of the building or structure.
- G. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- H. Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- I. No adult-related facility may change to another adult-related facility, except upon approval of an additional conditional use.
- J. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- K. No unlawful sexual activity or conduct shall be permitted.
- L. No more than one adult-related facility may be located within one building or shopping center.

## **SECTION 403 AIRPORT/HELIPORT**

Airport/heliports are subject to the following criteria:

- A. Minimum lot area - Thirty (30) acres.
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- C. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation Bureau of Aviation prior to the approval of the conditional use application.
- D. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

## **SECTION 404 AMUSEMENT ARCADES**

Amusement arcades are subject to the following criteria:

- A. All activities shall take place within a wholly enclosed building.
- B. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the arcade.
- C. A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g. snack bar) shall also require parking to be provided in accordance with the schedule listed in Section 313 of this Ordinance.
- D. A working plan for the clean up of litter shall be furnished and implemented by the applicant.

## **SECTION 405 ANIMAL HOSPITALS AND VETERINARY FACILITIES**

Animal hospitals and veterinary facilities are subject to the following criteria:

- A. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
- B. All animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of one hundred (100) feet from all property lines.
- C. All outdoor pasture/recreation areas shall be enclosed to prevent the escape of the animals; all such enclosures shall be setback a minimum of ten (10) feet from all property lines.
- D. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties.

- E. Outdoor animal pens, stalls or runways are not allowed in the VC Zone.

#### **SECTION 406 AUTOMOBILE FILLING STATIONS (INCLUDING MINOR INCIDENTAL REPAIR)**

Automobile filling stations, (including minor incidental repair) are subject to the following criteria:

- A. The subject property shall have a minimum width of one hundred and twenty-five (125) feet.
- B. The subject property shall front on an arterial or collector road as defined in Section 316.
- C. The subject property shall be setback at least three hundred (300) feet from any lot containing a school, day care facility, playground, library, hospital or nursing, rest or retirement home.
- D. The outdoor storage of motor vehicles (whether capable of movement or not) for more than one (1) week is prohibited; provided, however, the outdoor storage of one motor vehicle completely covered by an intact automobile cover may be stored in the rear yard.
- E. All structures (including gasoline pump islands but not permitted signs) shall be setback at least thirty (30) feet from any street right-of-way line.
- F. No outdoor storage of automobile parts (new or used) shall be permitted. No discarded automobile parts shall remain on the site for more than one week from when they are removed from the vehicle.
- G. Access driveways shall be a maximum of thirty (30) feet wide and separated by seventy-five (75) feet from one another if located along the same frontage as measured from edge to edge.
- H. All ventilation equipment associated with fuel storage tanks shall be setback one hundred (100) feet and oriented away from any adjoining residentially zoned properties or property in residential use.

#### **SECTION 407 AUTOMOBILE SERVICE AND REPAIR FACILITIES INCLUDING BUT NOT LIMITED TO AUTO MECHANICS, DRIVE-THRU LUBRICATION SERVICES AND TIRES, AUTO PAINT, BRAKE, MUFFLER, TRANSMISSION, WINDSHIELD, AUTO BODY, CAR RADIO AND UPHOLSTERY SHOP**

Automobile service and repair facilities including but not limited to auto mechanics, drive-thru lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio and upholstery shop are subject to the following criteria:

- A. All service and/or repair activities shall be conducted within a wholly enclosed building.
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads.
- C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.

- D. All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties or property in residential use.
- E. The storage of unlicensed vehicles is prohibited.
- F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially zoned property or property in residential use.
- G. All vehicles shall be repaired and removed from the premises promptly.
- H. The demolition or junking of automobiles is prohibited.

#### **SECTION 408 BED AND BREAKFASTS**

Bed and breakfasts as defined herein are subject to the following criteria:

- A. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- B. All floors above-grade shall have direct means of escape to ground level.
- C. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- D. All parking areas shall be setback a minimum of twenty-five (25) feet from all property lines.
- E. A bed and breakfast may erect one sign no larger than twelve (12) square feet in size. Such sign must be setback ten (10) feet from all lot lines.
- F. An approved means of sewage disposal and water supply shall be provided.
- G. The applicant shall furnish proof of approval from the PA Department of Labor and Industry.

#### **SECTION 409 BEEKEEPING**

Beekeeping is subject to the following criteria:

- A. It shall be the duty of the applicant to maintain each colony so as to not create a public nuisance.
- B. Colonies shall be maintained in movable frame hives.
- C. Hives shall be located only within the rear yard and shall be situated to maximize sunshine exposure and/or natural wind protection.
- D. Hives shall be located no closer than one hundred (100) feet from any property line unless a six-foot-high fence or hedge is located along any adjoining property lines for a distance at least one-hundred (100) feet from the hive(s). In no case shall hives be located within fifty (50) feet of any property line.

- E. All hives shall have access to an on-site water supply. Unless a natural water supply exists on the subject property, the applicant shall furnish a water-filled tank with a board or crushed rock for the bees to land on.
- F. Hives shall not be oriented to children's play areas, or neighboring properties.
- G. Adequate techniques in handling bees such as requeening and adequate hive space, shall be maintained to prevent unprovoked stinging seventy-five (75) feet or more from the hive.

## **SECTION 410 BILLBOARDS**

Billboards are subject to the following criteria:

- A. No billboard shall be located within one thousand (1000) feet of another billboard.
- B. All billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
- C. All billboards shall be setback at least thirty-five (35) feet from any street right-of-way lines.
- D. All billboards shall be setback at least one hundred (100) feet from any land within a Rural, R-1 or R-2 Residential Zone.
- E. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
- F. No billboard shall exceed an overall size of three hundred (300) square feet, nor exceed twenty-five (25) feet in height.
- G. Lighting shall be arranged so to prevent glare on adjoining existing residences, residentially zoned properties and roads.

## **SECTION 411 BOARDING HOUSE**

Boarding houses are subject to the following criteria:

- A. Minimum lot area - Two (2) acres.
- B. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.
- C. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- D. All floors above-grade shall have direct means of escape to ground level.
- E. One off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- F. All parking areas shall be setback a minimum of twenty-five (25) feet from all property lines.
- G. Meals shall be offered only to registered tenants.



- H. No signs advertising the use shall be permitted.
- I. The applicant shall furnish evidence of approvals granted by the PA Department of Labor and Industry.

## **SECTION 412 CAMPGROUNDS**

Campgrounds are subject to the following criteria:

- A. Minimum lot area - Ten (10) acres.
- B. Setbacks - All campsites shall be located at least fifty (50) feet from any side or rear property line and at least one-hundred (100) feet from any street line.
- C. Each campsite shall be at least three thousand (3000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area.
- D. An internal road system shall be provided. The pavement width of one-way access drives shall be at least fourteen (14) feet and the pavement width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted.
- E. All outdoor play areas shall be setback one hundred (100) feet from any property line and screened from adjoining residentially zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors.
- F. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be setback a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from adjoining residentially zoned properties.
- G. Any accessory retail or service commercial uses shall be setback a minimum of one hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially zoned parcels.
- H. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street as listed in Section 316.
- I. A campground may construct one freestanding or attached sign containing no more than thirty-two (32) square feet. Any reference to accessory commercial or recreational facilities shall remain secondary in size to the reference of the principal campground use. Such sign shall be setback at least ten (10) feet from the street right-of-way line, and at least twenty-five (25) feet from adjoining lot lines.
- J. A minimum of twenty (20%) percent of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner. Should the landowner neglect to maintain the recreation area, the Board of Supervisors shall then maintain the area and shall assess the landowner for any costs incurred.

- K. Every campground shall have an office in which shall be located the office of the person responsible for operation of the campground.
- L. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.
- M. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

### **SECTION 413 CAR WASH**

Car washes are subject to the following criteria:

- A. Public sewer and water facilities shall be utilized; however, where public water and sewer facilities are not available, private, on-lot recycled water systems shall be required.
- B. Each washing bay shall provide a one hundred (100) foot long on-site stacking lane.
- C. All structures housing washing apparatuses shall be setback one hundred (100) feet from any street right-of-way line, fifty (50) feet from any rear property line, and twenty (20) feet from any side lot line.
- D. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.

### **SECTION 414 CEMETERIES**

Cemeteries are subject to the following criteria:

- A. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:
  - 1. The minimum lot size shall be one-half ( $\frac{1}{2}$ ) acre. In the A and R districts, the maximum lot size shall be five (5) acres.
  - 2. The minimum lot width shall be one hundred (100) feet at the lot frontage.
  - 3. All gravesites shall be setback a minimum of ten (10) feet from any property lines, twenty (20) feet from any street right-of-way line, one hundred (100) feet from any water supply or well and one hundred (100) feet from any Floodplain Zone.
  - 4. All cemeteries created or expanded after October 1, 2003, shall be served by access drive(s) in accordance with Section 301 of this Ordinance.
  - 5. Credible evidence shall be presented that demonstrates that adequate traffic circulation and vehicle parking is available on the site. Parking areas intended for overflow areas or for funeral services need not be improved to the standards of this Ordinance.

6. Refuse collections stations shall be provided at convenient locations and shall be constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals, rodents, etc from entering.

B. Supplemental Regulations.

1. A visual screen shall be required where the lot abuts an existing residential use or a R-1 or R-2 residential zoning district.
2. The cemetery facilities shall be owned and maintained in a manner to insure its preservation. The developer shall provide for and establish an organization for the ownership and maintenance of the cemetery, in a form acceptable to the Township Solicitor.

## **SECTION 415 CHURCHES AND RELATED USES**

Churches and related uses are subject to the following criteria:

A. Churches

1. The minimum lot area shall be two (2) acres, and the minimum lot width shall be two hundred (200) feet. The maximum lot area in the A District shall be five (5) acres and the maximum lot area in the R District shall be ten (10) acres.
2. The minimum front, side and rear yards shall be 50 feet.
3. The maximum lot coverage shall be 50 percent.
4. All off-street parking facilities shall be at least twenty-five (25) feet from the street right-of-way line and shall meet all requirements of Section 313 (Off-Street Parking Requirements).

B. Church-Related Residences

Residences located on the same parcel as the church shall be subject to the same standards for detached single-family dwellings in the underlying district.

C. Church-Related Educational, Recreational and/or Day Care Facilities

1. If educational facilities are offered below the college level, the applicant shall provide an outdoor plan which shall include appropriate screening and buffering from adjacent residential properties.
2. The application shall be accompanied by a plan which demonstrates that adequate outdoor recreational facilities are being provided.
3. Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.
4. The applicant shall provide a parking plan that justifies that the proposed parking facilities are sufficient for the intended use.

**SECTION 416 CLUBHOUSES FOR PRIVATE CLUBS**

- A. Within the (R) Zone, clubhouses are subject to the following criteria:
  1. Screening shall be provided along any adjoining residentially occupied or R-1 and R-2 residentially zoned property.
  2. Outdoor shooting ranges may be approved as an accessory use to a private club, provided that sufficient setbacks, noise abatement measures, and other safety measures shall be provided.
  3. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the clubhouse.
  
- B. Within the (C) zone, clubhouses for private clubs are subject to the following criteria:
  1. All clubhouses and related facilities (e.g. pavilions, parking lots, shooting ranges, etc.) shall be at least one hundred (100) feet from all property lines.
  2. Outdoor shooting ranges may be approved as an accessory use to a private club, provided that sufficient setbacks, noise abatement measures, and other safety measures shall be provided.
  3. The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the clubhouse.

**SECTION 417 CLUSTER DEVELOPMENT (R-2 ZONE)**

Cluster developments are subject to the following criteria:

- A. The minimum area devoted to a cluster development shall be ten (10) acres.
- B. All units contained with a cluster development shall be served by public sewer and public water utilities.
- C. Lot Design Requirements - See Table 4-1.

TABLE 4-1								
Use	Minimum Lot Area (sq. ft.)	Maximum Net Density (Units/Net Ac.)	Width <sup>1</sup>	Maximum Lot Coverage	Minimum Front Yard	Minimum One Side	Side Yard (Both sides)	Rear Yard
Single-family detached dwellings	6,000	6.8	60'	45%	25'	10'	20' <sup>4</sup>	25'
Duplexes	5,000	7.26	45'	50%	25'	10'	(NA)	25'
Townhouses <sup>2</sup>	1,800	9.0	18'	65%	20'	15'	(End Units)	20'
Multiple Family <sup>3</sup>	87,120	9.0	200'	60%	30'	30'	60'	30'

1 Minimum lot width shall be measured at the building setback line; in no case shall a lot's width, as measured along its frontage, be less than 70 percent of that required at the building setback line. Lot widths required at the frontage shall be measured along a line paralleling the street line, even if it is curvilinear.

2 No townhouse grouping shall contain more than eight (8) units. For each townhouse grouping containing more than four (4) units, no more than sixty (60) percent of such units shall have the same front yard setback the minimum variation of setback shall be two (2) feet. In addition, no more than two (2) contiguous units shall have identical roof lines that generally parallel the ground along the same horizontal plane. All townhouse buildings shall be setback a minimum of fifteen (15) feet from any parking facilities contained on commonly held lands. All townhouse buildings shall be setback at least 30 feet from any perimeter boundary of the development site. In those instances where several townhouse groupings are contained upon the same lot, the standards listed in the following footnote 3 shall apply.

3 In those instances where several multiple-family dwelling buildings and/or townhouse groupings are located on the same lot, the following separation distances will be provided between each building:

- a. Front to front, rear to rear, or front to rear, parallel buildings shall have at least fifty (50) feet between faces of the building. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.
- b. A minimum yard space of thirty (30) feet is required between end walls of buildings. If the buildings are at right angles to each other, the distance between the corners of the end walls of the building may be reduced to a minimum of twenty (20) feet.
- c. A minimum yard space of thirty (30) feet is required between end walls and front or rear faces of buildings.

4 Within cluster developments, single-family detached dwellings may employ a zero-lot-line design when the following conditions have been satisfied:

- a. One side wall of the structure may be located no less than one inch from one of the side lot lines when adjoining another zero-lot-line dwelling lot. The opposite side yard shall be at least twenty (20) feet wide.
- b. A perpetual four (4) foot wall-maintenance easement shall be provided on the lot adjacent to the zero-lot-line. Such easement shall prohibit the placement of structures that would interfere with the maintenance of the wall located along the zero-lot-line. Such easements shall be recorded on the deed of any zero-lot-line lots.
- c. The wall of a dwelling located along the zero-lot-line shall have no openings (e.g. windows, doors, air conditioning units, vents, etc.) unless such openings are located at least eight (8) feet above grade.
- d. The zero-lot-line dwelling shall be designed to integrate interior and exterior living areas. The dwelling's room layout and configuration of exterior walls should be coordinated so that visibility and pedestrian access are readily provided between indoor and outdoor living areas.
- e. All groupings of zero-lot-line dwellings shall be separated from other single-family detached dwellings on conventional lots by a fifty-foot-wide landscaped buffer.

D. At least forty (40%) percent of the cluster development site shall be devoted to common open space. Any area contained within the Floodplain Zone (as described in Section 211 of this Ordinance) shall not be included as part of the calculated required open space. Required open space shall be designed and arranged to achieve at least one of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve these objectives:

1. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas and etc.).
2. Protection of important historical and/or archaeological sites.
3. Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development and the Township.
4. Integration of greenbelts throughout the cluster development that link residences with on-site or adjoining parks, schools, or other similar features.

E. An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The common open space shall be owned and maintained in a manner to insure its preservation. This shall be accomplished through one of the following:

1. An offer of dedication to the Township. The Township shall not be obligated to accept dedication of the common open space.

2. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, non-profit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverter or retransfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Township.
3. The developer shall provide for and establish an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners; associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Township Solicitor:
  - a. Such organization shall not dispose of the common open space by sale or otherwise except to the Township unless the Township has given prior written approval. Such transfer shall be made only to another organization that shall maintain the common open space in accordance with this Ordinance.
  - b. The organization and all lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating common open space by municipalities.
  - c. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the common open space.

## **SECTION 418 DAY CARE FACILITIES**

Day care facilities are subject to the following criteria:

- A. An outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be setback twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially occupied or Rural, R-1 or R-2 zoned properties. Any vegetative materials located within the outdoor play areas shall be of a nonharmful type (poisonous, thorny, allergenic, etc.) All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- B. Enrollment shall be defined as the largest number of students and/or children under day care supervision at any one time during a seven-day period.
- C. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- D. One off-street parking space shall be provided for each six (6) children enrolled.
- E. Within the Business Campus (BC) Zone, no Day Care facility shall be located within five hundred (500) feet of any industrial use.

## **SECTION 419 RECREATION FACILITIES**

Recreation facilities are subject to the following criteria:

- A. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
- B. Any structures exceeding the maximum permitted height may be permitted so long as they are setback from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet. Furthermore, such structures shall not be used for occupancy.
- C. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution.
- D. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 313. In addition, the Supervisors may require an unimproved grassed overflow-parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- E. Any booths or other structures used for the collection of admission and/or parking fees shall be setback and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion.

## **SECTION 420 COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT**

### **A. General requirements for Communications Antennas and Communications Buildings**

1. Building mounted Communications Antennas shall not be located on any residential structure.
2. Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning districts by no more than twenty (20) feet.
3. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
4. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
5. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
6. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer.
7. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.
8. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
9. Communications Antennas shall not cause radio frequency interference with other communications facilities located within Elizabeth Township.
10. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory building.
11. The owner and operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas, and shall provide a copy of such license to the Township.

### **B. General Requirements for Communications Towers**



1. The applicant requesting a variance to establish a Communications Tower in a residential district shall be required to submit to the Township evidence of the need for the Communications Tower and that all alternatives have been exhausted to constructing the Communications Tower in a Residential District. Applicants are required to prove need by:
  - a. Providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, Communications Towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
    - 1) Planned equipment would exceed the structural capacity of the existing Communications Towers, buildings or structures, and existing Communications Towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or
    - 2) Planned equipment will cause interference with other existing or planned equipment for that Communications Tower, building or structure and the interference cannot be prevented at a reasonable cost; or
    - 3) Existing or approved Communications Towers, buildings or structures do not have the space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned; or
    - 4) Other reasons make it impractical to place the equipment by the applicant on existing and approved Communications Towers.
2. No Communications Tower shall be permitted within Elizabeth Township that is of a height that would require attached lighting as required by standards of the Federal Aviation Administration (FAA). Other lighting shall be permitted in accordance with the provisions contained elsewhere in this Ordinance.
3. Communications Towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.
4. Communications Towers shall be no closer than one thousand (1,000) feet from another Communications Tower, such distance being measured as a horizontal distance from tower to tower.
5. The applicant for a Communications Tower must execute an agreement with Township, in a recorded instrument legally sufficient to the Township, reviewed by the Solicitor, requiring the removal of the Communications Tower within one (1) year after the Communications Tower ceases to function as such. Removal of the Communications Tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.
  - a. Responsibility of Owner and Occupant of Premises for Removal:

No person, firm, or corporation owning or occupying any property within Elizabeth Township shall permit, leave or cause to be left any Communications Tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one year period. A Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.

b. Notice to Conform:

Elizabeth Township is hereby authorized, and directed to give notice, by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Ordinance, and directing and requiring said owner or occupant to conform with the requirements of this Ordinance within 30 days after issuance of such notice.

c. Violations and Penalties:

In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Elizabeth Township may enter the premise and remove the Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event all costs associated with the removal, together with reasonable attorney's fees and any additional payment authorized by law, may be collected by Elizabeth Township, from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit.

6. A security fence and gate, of approved design, of not less than eight (8) feet, including barbed wire at the top, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
7. The applicant shall submit a landscaping plan. Landscaping requirements shall be in accordance with the requirements of the governing Subdivision and Land Development Ordinance.
  - a. Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in the Elizabeth Township Subdivision and Land Development Ordinance.
  - b. This requirement may be waived by the Township if there is existing acceptable vegetation along the property lines.
8. A minimum of one (1) parking space shall be required. Spaces shall meet requirements of this Ordinance. Parking spaces may be surfaced with a durable and dustless gravel surface.

9. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet.
10. Internal access to the Communications Tower shall be provided by a minimum twelve (12) foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of thirty-five (35) feet from the centerline of any public street. The length of the driveway beyond this thirty-five feet shall, at a minimum be surfaced with durable and dustless gravel.
11. Communications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
12. The Communications Equipment Building shall be identified as an accessory building, and the applicable regulations for the host zoning district shall apply.
13. Guy wires, if utilized, may not be anchored in any setback area of the host zoning district. Guy wires shall not cross or encroach any overhead telephone or electric power lines.
14. Tower height shall be measured from the top of the foundation to the top of the tower.
15. A security gate shall be required to be installed a minimum of forty-five feet (45) from the centerline of the public or private roadway.
16. The applicant shall be required to have control over any land that is within a required setback area of this Ordinance. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the Solicitor.
17. The applicant shall submit a copy of its current Federal Communications Commission license: the name, address and emergency telephone number for the operator of the Communications Tower; 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 amount \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
18. No Communications Tower shall be located closer than five hundred (500) feet from any existing structure, playground, ballfield or other area used for active recreation within a municipal park or school.
19. No more than ten thousand (10,000) square feet of clear-cutting of wooded areas shall be allowed for the site area of the Communications Tower.

C. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Residential Districts.

In addition to the conditions stated in Subsection B, Setbacks shall be no less than one hundred fifty (150) feet from adjacent property lines and public road right-of-way lines.

Such distance shall be in a straight line from the Communications Tower to the appropriate line.

D. Additional Conditions Applicable to Communications Towers and Equipment Buildings Located in Conservation, Agriculture, Rural, Village Commercial, Highway Commercial and Industrial Zones.

In addition to the conditions stated in Subsection B, Setbacks shall be no less than fifty percent (50%) of the tower height from adjacent property lines and public road right-of-way lines. Such distance shall be in a straight line from the Communications Tower to the appropriate line. This set back shall be increased to one hundred fifty (150) feet if any Residential Zoning District abuts the property in which the Communications Tower is located.

E. General Requirements for Co-Location of Facilities

The applicant for the Co-Location of Facilities shall be required to submit a Building Permit application for approval.

### **SECTION 421 CONVENIENCE STORE**

Convenience stores are subject to the following criteria:

- A. Access shall be via an arterial or collector road as identified in Section 316.
- B. Vehicle fuel dispensing facilities are permitted in conjunction with convenience stores in the HC Zone. Such dispensing facilities shall conform to the relevant requirements of Section 406.

### **SECTION 422 DRIVE-THRU AND/OR FAST FOOD RESTAURANT**

Drive-thru and/or fast food restaurants are subject to the following criteria:

- A. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the clean up of litter.
- B. All drive-thru window-lanes shall be separated from the parking lot's interior driveways.
- C. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- D. All exterior play areas shall be completely enclosed by a minimum three-foot-high fence.
- F. No part of the subject building shall be located within two hundred (200) feet of any residentially-zoned land or land in existing residential use.

### **SECTION 423 DRY CLEANERS, LAUNDRIES AND LAUNDROMATS**

Dry cleaners, laundries and laundromats are subject to the following criteria:

- A. Public sewer and water shall be used; however, where public water and sewer facilities are not available, private, on-lot recycled water systems shall be required.
- B. All activities shall be conducted within a completely enclosed building.
- C. During operation or plant clean up and maintenance, all windows and doors on walls facing adjoining residential zones and existing residences shall be kept closed.
- D. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned property and existing residences.
- E. Self-service laundromats shall require one off-street parking space for each two (2) washing machines; other laundry-related uses shall provide one off-street parking space for each four hundred (400) square feet of gross floor area.
- F. During operation, all windows and doors on walls facing adjoining residential zones and existing residences shall be kept closed.

#### **SECTION 424 ECHO HOUSING AND ACCESSORY APARTMENTS**

- A. Echo housing is subject to the following criteria.
  - 1. The elder cottage may not exceed nine hundred (900) square feet of floor area.
  - 2. The total building coverage for the principal dwelling, any existing accessory structures and the elder cottage together shall not exceed the maximum requirement for the zoning district in which the elder cottage is located.
  - 3. The elder cottage shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption.
  - 4. The elder cottage shall be occupied by a maximum of two (2) people.
  - 5. Utilities
    - a. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.
    - b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.

6. A minimum of one (1) off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling.
7. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses.
8. The elder cottage shall be removed from the property within twelve (12) months after it is no longer occupied by a person who qualifies for the use.
9. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is terminated.

B. Accessory Apartments are subject to the following criteria:

1. The habitable floor area of the accessory apartment shall conform to the minimum habitable floor area requirements of Section 309.
2. Only one accessory apartment may be permitted within a single-family detached dwelling or on a single-family detached lot.
3. An accessory apartment may only be permitted and may only continue in use as long as the principal dwelling is occupied by the owner of said dwelling.
4. The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.
5. Except for an exterior stairway, the exterior architectural character of the principal dwelling shall not be altered in a manner that departs from the primary feature of the building as a single-family detached dwelling unit.
6. One additional off-street parking space shall be provided.
7. The applicant shall submit a plan and supporting documentation to establish compliance with the dimensional requirements of the district in which the lot is located and architectural compatibility.
8. The accessory apartment shall be occupied by either an elderly, handicapped or disabled person related to the occupants of the principal dwelling by blood, marriage or adoption.
9. The accessory apartment shall be occupied by a maximum of two (2) people.
10. Utilities
  - a. For sewage disposal and water supply and all other utilities, the accessory apartment shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards.

- b. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the accessory apartment will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer.

## **SECTION 425 FAMILY DAY CARE HOME**

Family day care homes are subject to the following criteria:

- A. All family day care shall be conducted within a detached single-family dwelling.
- B. All family day care homes with enrollment of more than three (3) minors shall furnish a valid Registration Certificate for the proposed use, issued by the PA Department of Public Welfare.
- C. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.

## **SECTION 426 FARM OCCUPATIONS**

Farm occupations are subject to the following standards:

- A. For the purposes of this Ordinance, farm occupations may involve the following uses:
  - 1. Facilities for the service and repair of farm machinery and equipment, and small engines.
  - 2. Facilities contributing to the agrarian lifestyle characteristic of the residents of Elizabeth Township. Such facilities include, but are not limited to:
    - a. Arts and crafts manufacturing, with a retail sales display area not to exceed 1,000 square feet.
    - b. Hat shops.
    - c. Blacksmith and tool sharpening shops.
    - d. Carriage, buggy, wagon and related appurtenances manufacturing, sales and service.
    - e. Carpenters.
    - f. Woodworking, furniture, and cabinet making shops.
    - g. Metalworking shops.

- h. Country housewares, hardware and dry goods stores with retail display area not exceeding 1000 square feet.
  - i. Butcher shops.
  - j. Tailor and shoe shops.
  - k. Grain mills.
  - l. Processing of locally produced agricultural products.
  - m. Veterinary offices which primarily treat farm animals; stables; kennels.
  - n. Feed supply, feed and fertilizer distribution.
- B. No more than two (2) acres of land shall be devoted to such use including areas used for structures, parking, storage, display, setbacks, landscaping and etc. However, any lane serving the farm related business and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm related business.
  - C. At least one owner of the farm occupation must live on the property on which the farm occupation is conducted. No more than two (2) non-residents shall be employed by each farm occupation.
  - D. All farm occupations shall be conducted upon the same lot as an actively farmed parcel.
  - E. Any outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties.
  - F. Any activities that produce noxious dust, odor, light or noise, perceptible at the property line are prohibited.
  - G. Where the farm occupation is permitted only by special exception, the Zoning Hearing Board may attach additional conditions upon a farm occupation to preserve the agricultural character of the area, and protect adjoining uses.
  - H. Total signage for a farm occupation shall not exceed thirty-two (32) square feet in area.
  - I. No mobile home shall be used for a farm occupation.
  - J. Each farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, unless noted otherwise.

#### **SECTION 427 FUNERAL HOMES**

Sufficient off-street parking and stacking area shall be provided to prevent traffic back-ups onto adjoining roads.

#### **SECTION 428 GOLF COURSES AND GOLF DRIVING RANGES**



Golf courses including accessory uses (e.g. club house, driving range, parking lots, storage sheds, pro shop, snack bar, restaurant, swimming pools and etc.) shall subject to the following standards:

- A. Minimum lot area - Thirty (30) acres.
- B. No golf hole shall be arranged to require a golf ball to be driven across any building, road or parking lot.
- C. Any points where the golf course crosses a road(s) shall be signed warning motorists and pedestrians, and any private golf course road shall contain speed bumps.
- D. All accessory uses of the golf course shall be setback at least one-hundred feet from all lot lines.
- E. No outdoor storage of maintenance equipment or golf carts shall be permitted.
- F. All golf course buildings shall be setback seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining parcels.
- G. All off-street parking requirements for the principal and accessory uses shall be in accordance with Section 313 of this Ordinance.
- H. Golf driving ranges in HC Zones shall be subject to the regulations pertaining to Commercial Recreation Facilities.
- I. Golf driving ranges as a stand-alone use in the R, C and HC Zones are subject to the following additional requirements:
  - 1. Minimum lot area - Five (5) acres.
  - 2. Retail sales of food and golf-related items shall be limited to maximum of one thousand (1,000) square feet of publicly used area.
  - 3. The limits of the golf driving range shall be setback at least one hundred feet from all lot lines and roads.
  - 4. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, lights and property damage.

## **SECTION 429 HEALTH AND RECREATION FACILITY**

Health and recreation facilities are subject to the following criteria:

- A. All outdoor recreation facilities shall be setback at least fifty (50) feet from the street right-of-way line, and twenty-five (25) feet from all other lot lines and 100 feet from any residentially-zoned properties or property in residential use.
- B. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.

- C. All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.
- D. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, lights and property damage.

### **SECTION 430 HEAVY EQUIPMENT SALES, SERVICE, AND/OR REPAIR FACILITIES**

Heavy equipment sales, service and/or repair service facilities are subject to the following criteria:

- A. All service and/or repair activities shall be conducted within a wholly enclosed building.
- B. All uses involving drive-thru service shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.
- C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
- D. All exterior storage and/or display areas shall be screened from adjoining residentially zoned properties. All exterior storage/display areas shall be setback at least fifty (50) feet from adjoining street lines and shall be covered in an all-weather dust-free surface.
- E. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment and farm equipment vehicles on the property is prohibited.
- F. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directly towards any adjoining residentially zoned property or property in residential use.
- G. All vehicles shall be repaired and removed from the premises promptly.
- H. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, lights and property damage.

## SECTION 431 HEAVY INDUSTRIAL USES

The applicant for a heavy industrial use shall provide a detailed description of the proposed use in each of the following topics:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any byproducts. 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 step of the industrial process, 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. 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 ordinances.
- D. A traffic study prepared by a professional traffic engineer with the following minimum considerations:
  - 1. A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning references.
  - 2. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.
  - 3. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
  - 4. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by: an extrapolation of former development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
  - 5. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
  - 6. Capacity/level of service analysis on major intersections that will be impacted by the additional volumes generated by the development.
  - 7. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
  - 8. Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.

9. Cost estimates of any proposed improvements that will be required.
10. Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.
11. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.
12. The source of standards used in the data as presented.
13. The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.
14. If the traffic study shows that adequate levels of service are maintained on all abutting intersections and streets without developer-provided improvements, the applicant shall contribute funds to provide for capital improvements to the abutting streets and intersections within the immediate area based upon the increase in traffic projected as a result of the development, and the cost of reasonably necessary improvements to the abutting streets and intersections within the immediate area, including traffic signals.

#### **SECTION 432 HOME IMPROVEMENT AND BUILDING SUPPLY STORES**

Home improvement and building supply stores are subject to the following criteria:

- A. All outdoor storage and display areas (exclusive of nursery and garden stock) shall be screened from adjoining roads and properties.
- B. If the subject property contains more than (2) acres, it shall front along an arterial or collector road, as identified in Section 316.

#### **SECTION 433 HOME OCCUPATIONS AND HOME BUSINESSES**

It is the intent of this Section to establish regulations which will permit home occupations and home businesses in a manner which will preserve the peace, quiet, and tranquillity of residential neighborhoods and to ensure the compatibility of such uses with other uses permitted within the same zoning district.

- A. Requirements for Home Occupations: Home occupations shall be subject to the following requirements:
  1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  2. The home occupation shall be conducted entirely within the dwelling.
  3. There shall be no more visitations by non-residents for business purposes than would normally occur for a solely residential dwelling.
  4. No more than twenty-five (25) percent of the habitable floor area of the dwelling unit, excluding unimproved attics, and unimproved basements, of the dwelling may be used for the practice of a home occupation.

5. There shall be no display or sales of retail goods and no stockpiling or inventory of a substantial nature on the premises.
6. There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.
7. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
8. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
9. The business shall employ no employees other than family members residing in the dwelling.
10. The business may not involve any illegal activity.

B. Requirements for Home Businesses: Home businesses shall be subject to the following requirements:

1. A home business shall limit any external evidence of an occupation to one (1) non-illuminated sign, not exceeding two (2) square feet in sign area, subject to the sign regulations of Article 3. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
2. The person primarily responsible for the home business shall be a full-time resident of the premises.
3. No more than twenty-five (25) percent of the habitable floor area of the dwelling unit, excluding unimproved attics, and unimproved basements, of the dwelling may be used for the practice of a home business.
4. Storage of materials, products, or machinery used for the home business shall be wholly enclosed by the dwelling, within the maximum floor area previously defined, and shall not be visible from any adjacent lot or street
5. The requirement for additional parking facilities shall be determined by the Zoning Hearing Board.
6. Deliveries shall not restrict traffic circulation.
7. Traffic generated by the home business shall not exceed volumes than would normally be expected in a residential neighborhood.
8. The home business may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
9. Home businesses utilizing, or proposing to utilize, explosive, highly flammable or hazardous materials shall require proof of fire department notification and compliance with applicable building codes prior to using such materials.

10. The disposal of all materials, fluids, and gases shall be in a manner that complies with all regulations of the Township and all other applicable government codes.
11. Sales of goods on the premises shall be limited to goods made on the premises and goods which are incidental to services performed on the premises.
12. The Zoning Hearing Board shall approve the permitted hours of operation.
13. Home businesses shall be conducted only in single family detached dwellings or existing accessory buildings.
14. The home business may employ up to two (2) non-resident employees.
15. Storage of materials, products or machinery used may also be wholly enclosed in an existing accessory building.

### **SECTION 434 HOSPITALS AND OUTPATIENT CLINICS**

Hospitals and outpatient clinics are subject to the following criteria:

- A. Minimum lot area - Five (5) acres.
- B. Public sewer and water shall be required for hospitals.
- C. The subject property shall have frontage along and shall gain access from an arterial or collector road, as identified in Section 316.
- D. All buildings and structures shall be setback fifty (50) feet from all property lines.
- E. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned or existing residentially occupied properties.

### **SECTION 435 KENNELS**

- A. The minimum lot area requirement shall be five (5) acres.
- B. Animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
- C. Animal boarding buildings that are not wholly-enclosed and any outdoor animal pens, or stalls shall be a minimum of one-hundred (100) feet from all property lines.
- D. Outdoor running areas shall be fenced in a manner that restricts access and provides for a full enclosure. All enclosures shall be a minimum of fifty (50) feet from all property lines.
- E. All animal wastes shall be regularly removed from the premises.
- F. The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

- G. No kennel shall be located within 150 feet of any R-1 or R-2 zone or property in residential use

## **SECTION 436 MINIWAREHOUSES**

Miniwarehouses are subject to the following criteria:

- A. Off-street parking spaces shall be provided according to the schedule listed in Section 313 of this Ordinance.
- B. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- C. Required parking spaces may not be rented as, or used for, vehicular storage or the storage of partially dismantled, wrecked, or inoperable vehicles. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially occupied or residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- D. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- E. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- F. No door openings for any mini-warehouse storage unit shall be constructed facing any residentially occupied or residentially zoned property.
- G. Miniwarehouses shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:
  - 1. Auctions, commercial wholesale or retail sales, or garage sales.
  - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - 4. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all miniwarehouses rental and/or use contracts shall specifically prohibit these uses.

## SECTION 437 MOBILE HOME PARKS

Mobile home parks are subject to the following criteria:

- A. A mobile home park shall contain a minimum of ten (10) acres.
- B. All mobile home parks shall be served by public water and public sanitary sewer facilities.
- C. Maximum density in a mobile home park shall be five (5) units per acre.
- D. All mobile home lots shall contain at least 4250 square feet.
- E. Each mobile home lot shall have a minimum front yard of thirty (30) feet, rear yard of twenty-five (25) feet, and two sides of ten (10) feet each. In no case shall the distance between any two mobile homes be less than twenty-five (25) feet (these setbacks shall also apply to mobile home park office, service, utility or other buildings).
- F. All mobile home parks shall be provided with a perimeter landscape buffer strip that is at least fifty (50) feet wide. Such width shall be measured from adjoining property and rights-of-way lines.
- F. Each mobile home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the mobile home it is to support. Each pad shall include properly designed utility connections. Protective skirting shall be placed around the area between the pad and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, to allow the creation of a fire hazard, or to expose unsightly conditions.
- G. Each mobile home shall be provided with a minimum of two (2) paved parking spaces containing at least one hundred eighty (180) square feet of bituminous or concrete surface which shall be located on the mobile home lot. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to any unit served. Access to all parking spaces shall be limited to interior roads of the mobile home park; in no case shall access to such parking spaces be provided from adjoining public roads.
- H. Interior mobile home park roads with no on-street parking shall be paved with an all-weather dust-free surface at least twenty-four (24) feet wide. An additional width of ten (10) feet shall be provided for each lane of on-street parking.
- I. There shall be a minimum of twenty-five (25%) percent of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or the operator. Should the landowner and/or the operator neglect to maintain the designated recreational area as depicted on the plan, the Township may then maintain said areas and assess the landowner for any costs incurred.
- J. A visual screen shall be placed along the mobile home park boundaries that adjoin other residentially occupied or residentially zoned properties. Such screen can consist of sight-tight fencing, vegetative materials, or earthen berms that are so arranged to effectively block the views from ground level on adjoining properties. Screening shall be provided between ground level and at least a height of six (6) feet. If sight-tight fencing is used, it shall not encompass more than fifty (50%) percent of the total surface area of the required screen.



## **SECTION 438 NIGHTCLUBS**

Nightclubs are subject to the following criteria:

- A. No part of the subject property shall be located within two hundred (200) feet of any residentially zoned land or property in residential use.
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
- C. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.
- D. A working plan for the clean up of litter shall be furnished and implemented by the applicant.
- E. Establishments which provide entertainment defined as being associated with an adult cabaret, as defined in this Ordinance, shall be approved and regulated under the requirements of Section 402 (Adult-Related Facilities).

## **SECTION 439 NONCOMMERCIAL KEEPING OF ANIMALS**

The following standards shall apply within all zoning districts for the keeping of animals. However, these standards shall not be interpreted as applying to animal hospitals, veterinary clinics, kennels, riding stables, or normal farming operations.

- A. It is permitted to maintain up to three (3) each of dogs and cats and litters of puppies or kittens up to six (6) months in age as domestic animals provided the following conditions are met:
  - 1. Maintaining dogs and cats shall be on a non-commercial basis.
  - 2. The area on which a shelter and/or exercise pen is maintained must be suitably enclosed and located in the rear yard at least ten (10) feet from any lot line, and is not closer than fifty (50) feet to the nearest dwelling other than that of the owner.
  - 3. The area around which a shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.
  - 4. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.
- B. It is permitted to maintain small domestic animals up to a total of twelve (12) provided the following conditions are met:
  - 1. Maintaining small domestic animals shall be within the rear yard area.
  - 2. Maintaining small domestic animals shall be on a non-commercial basis and be strictly as an incidental use.
  - 3. The area within which small domestic animals are kept shall be enclosed by a fence designed for containment.

4. Such fence shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
5. The area within which small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.
6. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

For the purposes of this sub-section, small domestic animals shall include animals such as rabbits, guinea pigs, and chinchilla, and fowl such as chickens, turkeys, geese, ducks, and pigeons, but shall not include wild or exotic animals held in captivity.

C. The ownership of large domestic animals shall not exceed one and one half (1-1/2) animal units per acre provided the following conditions are met:

1. Maintaining large domestic animals shall be within the rear yard area.
2. Maintaining large domestic animals shall be on a non-commercial basis and be strictly as an incidental use.
3. The area within which large domestic animals are kept shall be enclosed by a fence designed for containment.
4. No building, corral, fence, or stable shall be closer than fifty (50) feet to the nearest dwelling other than that of the owner.
5. The area within which large domestic animals are maintained shall be kept in a suitable grass cover of at least two acres in area and shall not be allowed to degrade to an erodible condition.
6. The owner of the large domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

For the purposes of this sub-section, large domestic animals shall include animals of the bovine, equine, porcine (swine), and sheep families, but shall not include wild or exotic animals held in captivity.

D. Wild or exotic animals held in captivity shall be limited to lots located in the A, R and C Zones with a minimum lot area of two (2) acres or greater, and shall be subject to the following additional requirements:

1. The number of such animals shall not exceed the equivalent of one (1) animal unit per acre.
2. Said animals shall be maintained only within the rear yard area.
3. The building or area within which such animals are kept shall be enclosed by a fence or other form of enclosure designed for containment.

4. Such fence or other form of enclosure shall be at least fifty (50) feet from any lot line and not closer than one hundred (100) feet to the nearest dwelling other than that of the owner.
5. The area within which such animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.
6. The owner of such animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.
7. All such animals shall be maintained in accordance with the regulations and/or permit requirements of the Pennsylvania Game Commission and other applicable agencies.

#### **SECTION 440 NURSING, REST OR RETIREMENT HOME**

Nursing, rest, or retirement homes are subject to the following criteria:

- A. The proposed facility may be comprised of any or all of the following uses:
  1. Independent Dwelling Units - Single-family detached dwellings, single-family semi-detached dwellings, two-family detached dwellings, and single-family attached dwellings (provided that no more than six (6) single-family dwelling units are attached in a linear row). Each dwelling unit shall contain complete kitchen, toilet and bathing facilities, and shall have at least one (1) outside window.
  2. Congregate Housing Units - Multi-family dwellings in which each group of units is associated with one or more common areas designed for the exclusive benefit of the group. Each unit shall contain at a minimum a private or semi-private bedroom and a private complete bathroom. Each unit shall contain at least one (1) outside window. Each unit shall provide space and facilities for cooking and related kitchen activities, dining, bathing and toilet functions. Common areas may also be provided for recreation, relaxation, clothes washing, and similar activities.
  3. Intermediate Care Facilities - Premises, or a portion thereof, in which food, shelter, and licensed personal assistance or supervision are provided for residents requiring supervision and assistance in such matters as dressing, bathing, diet or medication prescribed for self-administration but not requiring hospitalization or skilled nursing care. Facilities shall include a living/sleeping area and a private powder room although a shared bath will be permitted.
  4. Skilled Care Facilities - Premises or a portion thereof used to house and care for persons requiring continuous intermediate or skilled nursing care.
  5. Offices incidental to administration, management and health care; activity areas, craft, woodworking and hobby shops, recreation facilities, gift shops, personal services facilities, dining facilities, health care facilities, maintenance facilities, bank library, snack bar, village store, pharmacy, chapel and similar uses designed to be exclusively for the use of residents and their guests as well as any other buildings or uses incidental to the main or principal uses.

- B. The proposed use shall primarily serve the needs of retirement-age persons. At least one (1) resident of each household shall be a least fifty (50) years old, or possess some handicap that can be treated within a setting like the retirement community.
- C. The proposed use shall achieve a balanced residential/medical campus that cannot be achieved through the use of conventional zoning techniques.
- D. Residences shall be functionally, physically, and architecturally integrated with medical service and recreational activity centers.
- E. Commercial, medical, and recreational uses shall be grouped together and located near the populations being served.
- F. The minimum land area devoted to the campus shall be two (2) contiguous acres and the applicant shall furnish evidence of an approved means of sewage disposal and water supply.
- G. The site shall front on and have direct access onto a collector or arterial road as identified in Section 316.
- H. All buildings or structures containing nonresidential use(s), off-street parking lots and loading areas shall be setback at least seventy-five (75) feet from all adjoining residentially-zoned land, fifty (50) feet from all lot lines of the subject property, and fifty (50) feet from all on-site residences.
- I. The maximum permitted overall density is ten (10) dwelling units per acre.
- J. All buildings or structures used solely for residential purposes shall be setback at least fifty (50) feet from all lot lines of the campus property, twenty (20) feet from any public or private street right-of-way or parking lot, and a distance equal to their height from any other on-site residence.
- K. The maximum permitted height is sixty (60) feet, provided that an additional two (2) feet of required building setback shall be provided for each foot of building height exceeding thirty-five (35) feet.
- L. No more than thirty-five percent (35%) of the subject property shall be covered with structures, buildings, parking and loading areas and/or other impervious surfaces.
- M. Each off-street parking lot shall provide at least twenty percent (20%) of the total parking spaces as those designed for the physically handicapped (See Section 313 for design regulations). Furthermore, such parking spaces shall be located throughout the campus in such a manner to be conveniently accessible to the buildings/uses for which they are required.
- N. The applicant shall furnish a description of the effect of the proposed use on the delivery of ambulance service. This description shall include a letter from the agency responsible for ambulance service in the site's vicinity. Such letter shall describe the adequacy/inadequacy of existing facilities and services to accommodate the proposed use, and any suggestions that might enhance ambulance service. Should it be determined that the proposed use would overburden local ambulance service, the Township may attach conditions of approval that seek to assure adequate levels of service.

## **SECTION 441 EDUCATIONAL INSTITUTIONS**

Educational institutions are subject to the following criteria:

- A. All height, area, setback and coverage standards within the underlying zone shall apply.
- B. All off-street parking lots shall be setback twenty-five (25) feet and screened from adjoining residences and R-1 and R-2 zoning district lines.
- C. All buildings shall be setback at least one hundred (100) feet from any adjoining land within a residential zone or property in residential use.
- D. If education is offered below the college level, an outdoor play area shall be provided, at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be setback twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six-foot-high fence, and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such a shade tree(s) or pavilion(s).

Enrollment shall be defined as the largest number of students on the site at any one time during a seven-day period.

- E. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site; and
- F. Parking shall be provided in accordance with the schedule listed in Section 313 of this Ordinance.

## SECTION 442 QUARRIES AND OTHER EXTRACTIVE-RELATED USES

Quarries and other extractive-related uses are subject to the following criteria:

- A. General - Quarry Operations
1. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
  2. May not adversely affect any public or private water supply source.
  3. May not adversely affect the logical, efficient, and economical extensions of public services, facilities and utilities throughout the Township.
  4. May not create any significant damage to the health, safety, or welfare of the Township and its residents and property owners.
  5. May not result in the land area subject to quarrying being placed in a condition that will prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation.
  6. Must comply with all applicable State regulations.
- B. Minimum Lot Area - One hundred (100) acres.
- C. Fencing - A substantial fence or earthen barrier measuring at least six (6) feet in height must surround the area of actual quarrying to prevent unauthorized persons from entering the area to their potential endangerment.
- D. Screens - Where adjacent to a residential zone, existing property in residential use, or a public street right-of-way or where a quarry operation will substantially impair the beauty and character of the surrounding countryside, trees and shrubs must be planted, or attractive earth barriers erected to screen the operation, as far as practical, from normal view.
- E. Access - Truck access to any quarry operation shall be so arranged as to minimize danger to traffic and nuisance to neighboring properties. The applicant shall submit a qualified traffic study and document a suitable arrangement for the improvement and/or maintenance of those roads that directly serve the quarry.
- F. Setbacks from Residential Zones - Where the lot or parcel of land which is the site of quarrying operations is adjacent to a residential zone or existing lot in residential use:
1. No stockpiles, waste piles, or processing equipment may be closer than 1,000 feet to the residential zone or existing lot in residential use.
  2. No part of the quarry pit, private access road, truck parking area, scales, or operational equipment, may be closer than 500 feet to the residential zone or existing lot in residential use.
- G. Setbacks from Public Streets - No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment or truck parking area may be closer than one hundred (100) feet to a public street line.

H. Other Setback Requirements

1. Except for setbacks specified above, no part of a quarry pit, stockpiles, waste piles, or processing equipment may be closer than two hundred (200) feet to a property line.
2. Except for setbacks specified in Subsections F. and G., no private access road, truck parking area, scales, or operational equipment may be closer than one hundred (100) feet to a property line.

I. Rehabilitation Required - Within two (2) years after the termination of quarrying operations, the area of actual quarrying operations must be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.

J. Rehabilitation Standards - In rehabilitating the area of actual quarrying operations, the owner or operator must comply with the following standards:

1. Slope - The slope of earth material in any excavated pit must not exceed the angle of slippage.
2. Top-Soil and Ground Cover - Where filling of the pit is desirable and economically feasible, the fill must be a kind and depth to sustain grass, plants or trees, and such must be planted.
3. Drainage - To prevent any silt, erosional debris, or other loose material from filling any existing drainage course or encroaching on State or Township roads or private property, all surface drainage must be controlled by dikes, barriers, or drainage structures. All measures to control natural drainage or floodwater must meet with the approval of the Board of Supervisors.
4. Removal of Plant and Equipment - Within two (2) years after termination of operations, all plant improvements and equipment must be removed, except where the plant and equipment is still used for processing earth material from other properties. If substantially covered, foundations and piers may be left in the ground.

K. Reporting of Operational and Rehabilitation Information for Quarries - In order to keep the Zoning Officer abreast of impending termination of quarrying operations and plans for rehabilitation, as well as operational activities which he has a duty to check, each quarry owner or operator must submit to the Zoning Officer, annually, the information following; this information shall also be provided at the initial operation submittal:

1. Ownership and acreage of the land that is the site of quarrying operations, including all land held under contract or lease.
2. Type of earth resources quarried.
3. Present depth of excavations.
4. The probable effect of blasting and other excavation methods upon existing and permitted uses in the area surrounding the quarry site.
5. The applicant furnish evidence of the means for controlling airborne particles (dust) from spreading off of the subject property.

6. Map, at a scale of 1 inch = 100 feet, or such other scale acceptable to the Township, showing:
    - a. All land owned or under option, contract or lease.
    - b. Lot or land quarried.
    - c. As practical, contours at 20-foot intervals extending beyond the site to the nearest public street or highway.
    - d. Private access roads and abutting streets and highways.
    - e. Location of all structures.
    - f. Location of stockpiles and waste piles.
    - g. Title, scale, north point, and date.
    - h. Fencing and screen planting.
  7. The proposed reuse of the land to be quarried.
  8. Plantings or other planned special features of rehabilitation.
  9. The proposed methods by which rehabilitation is to be accomplished.
- L. Quarry Operations shall comply with all of the Rules and Regulations established by the Pennsylvania Department of Environmental Protection which rules and regulations shall be considered apart of this Zoning Ordinance for purposes of enforcement and compliance.

The applicant shall furnish copies of any approved permits required by the PA DEP and/or any notices of violation issued by the PA DEP.

#### **SECTION 443 RESIDENTIAL CONSERVATION SUBDIVISIONS**

- A. It is the intent of this Section to implement the Elizabeth Township Comprehensive Plan and promote desirable community development by:
1. Maintaining a healthy residential environment with adequate open space and recreational amenities.
  2. Encouraging land use and development patterns that complement and accentuate the distinctive features of the Township's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, and scenic views.
  3. Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development.
  4. Providing for a more varied, innovative, and efficient development pattern.



5. Promoting new development that is compatible with existing uses, architecture, landscapes and community character.

B. Eligibility

1. Areas Permitted

Residential conservation subdivisions shall be permitted by Special Exception in the Conservation Zone. The applicant shall demonstrate, to the satisfaction of the Zoning Hearing Board, compliance with all design standards and criteria of this Section, as well as all other applicable provisions of the Zoning Ordinance.

2. Water Supply

Residential conservation subdivisions shall be served by water supply systems in accordance with the provisions of the governing subdivision and land development ordinance. The applicant shall demonstrate, to the satisfaction of the Zoning Hearing Board that an adequate water supply exists for the intended residential and open space uses. The Zoning Hearing Board may also require agreements and financial assurances to ensure proper long-term operation, maintenance, and ownership of the water system.

3. Sewage Disposal

- a. As a condition of approval, the applicant shall demonstrate to the satisfaction of the Zoning Hearing Board, that adequate sewage disposal services exist for the intended residential and open space uses.
- b. Development under the residential conservation subdivision option shall be served by sewage disposal systems consistent with the Elizabeth Township Sewage Facilities (Act 537) Plan and in accordance with the provisions of the governing subdivision and land development ordinance, subject to demonstration of compliance with all applicable regulations of the PA DEP.
- c. Any proposed wastewater disposal system which requires a permit issued by the PA DEP and is not owned or operated by a municipal authority shall be required to comply with specific conditions which ensure the long-term proper operation and maintenance of such facilities. Such requirements shall be established by the Board of Supervisors to ensure consistency with PA Code Title 25, Chapter 71, Section 71.72 relating to the establishment of the legal entity responsible for such systems and financial assurances for the completion, maintenance, and operations of such facilities.
- d. Where individual or community on-lot sewage disposal systems are provided, such systems may be located within common open space areas where approved at the discretion of the Board of Supervisors. Such systems shall require adequate deed restrictions and legal agreements between the owner of such system and the owner of the common open space, which specify ownership, operation, and maintenance responsibilities.

4. Plan Processing

The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility. The applicant is strongly encouraged to submit a sketch plan to the Elizabeth Township Planning Commission and to discuss community development and open space resource conservation objectives with the Planning Commission prior to the preparation of a preliminary plan.

C. Uses

1. The following uses are permitted uses within an residential conservation subdivision:

- a. Single-family detached dwellings.
- b. Home occupations.
- c. Family day care homes.
- d. Public parks.
- e. Public activities related to the preservation and conservation of natural and/or historical resources.
- f. Agriculture and agricultural production, including horticultural and forestry related uses, subject to the requirements listed in Section 201 of this Ordinance.
- g. Public uses.
- h. Beekeeping (See Section 409).
- i. Riding schools or horse boarding stables (See Section 445).
- j. Municipal uses and structures.
- k. Kennels (See Section 435).
- l. Accessory uses customarily incidental to and located on the same lot as the above permitted uses.

2. The following uses are permitted by special exception within an residential conservation subdivision subject to the procedures presented in Section 704.3 of this Ordinance:

- a. Clubhouses for private clubs (See Section 416).
- b. Campgrounds (See Section 412).
- c. Golf courses and golf driving ranges (See Section 428).

- d. Communications towers and antennas (See Section 420).
- e. Bed and breakfast (See Section 408).
- f. Home businesses (See Section 432).
- g. Accessory farm dwellings, when accessory to an existing farm (See Section 401).
- h. Farm occupations (See Section 426).
- i. ECHO housing (See Section 424).
- j. Counseling and conference centers not operated for private profit and related uses including weekly worship services; provided, however, such centers shall not be used primarily as churches.

D. Area and Bulk Regulations

1. Minimum Restricted Open Space

- a. The minimum restricted open space shall not be less than fifty (50) percent of the gross acreage of the tract.
- b. Designated restricted open space shall comply with all standards and criteria for restricted open space established in this Section.

2. Permitted Density Calculation

To determine the potential number of dwelling units permitted for residential conservation subdivisions, the applicant shall prepare a conceptual "yield plan" depicting the conventional development of the parent tract according to the design standards of the base zoning district. The yield plan shall comply with the minimum requirements for sketch plans as stated in the governing subdivision and land development ordinance as well as any other applicable Township ordinances. The applicant shall then prepare a conceptual residential conservation subdivision plan with a maximum number of dwellings not to exceed the number of dwellings depicted on the yield plan. The Township Planning Commission shall review the yield plan and provide comments to the Zoning Hearing Board regarding compliance with this Section. Applicants are strongly encouraged to present the yield plan to the Planning Commission as early as possible to obtain input regarding the calculation of the number of dwellings permitted in the residential conservation subdivision.

3. Residential Area and Bulk Regulations

The following lot and yard area regulations shall apply to any principal residential structure or any other building. Proposed lots are subject to a minimum lot area of one (1) acre. The applicant shall indicate for each permitted use, including potential accessory uses, the limits of the building envelope within which compliance with these provisions is feasible:

- a. The minimum separation between principal structures at any point shall be 20 feet, except that the minimum separation measured perpendicularly from the rear wall of any dwelling to any point on any other building not accessory to such residential structure shall be 50 feet.
- b. Accessory structures shall be setback at least five feet from any property line and shall be permitted only in rear yards.
- c. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five feet from any lot line.
- d. Where any portion of any principal or accessory structure is located less than five feet from any lot line, a perpetual easement providing for maintenance of such structure, and measuring no less than five feet in width from the affected walls, shall be provided on the adjacent lot(s).
- e. The minimum setback of principal buildings from the right-of-way shall not be less than 10 feet except as provided under Subsection f below.
- f. All proposed dwelling units in a residential conservation subdivision shall be situated so that they are set back a minimum distance from the pre-development perimeter boundary of the tract equal to the applicable minimum yard dimension under the base zoning district provisions. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required setbacks.
- g. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.
- h. The maximum lot coverage (including all impervious surfaces) for all building lots shall be 20% greater than the base zoning district according to the dwelling type. The maximum lot coverage for all restricted open space parcels shall be 10%.
- i. While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, the applicant shall be required to demonstrate to the satisfaction of the Zoning Hearing Board that all lots established under the provisions of this Section are of appropriate size and shape relative to provide for the establishment of suitable private yard areas for all dwellings and adequate access for the management of any adjacent open space areas.
- j. Flag lots may be utilized where appropriate; however, no more than 10% of the total number of lots may be designed as flag lots and each flag lot shall have a minimum area of one (1) acre.
- k. Where adjacent curb cuts accessing separate residential properties are separated by less than 25 feet, one additional off-street parking space shall be provided on each property that abuts the curb cut or in an off-street common parking area.

- I. As a condition of approval, the Zoning Hearing Board at its sole discretion may agree to vary any of the standards stipulated in this Section where the Applicant has demonstrated to the satisfaction of the Board that the purposes of this Section are better served through such variation.

E. Conservation and Development Design Standards

1. General Development Standards

- a. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any residential conservation subdivision.
- b. The placement of buildings and design of internal circulation systems shall minimize the number of intersections and traffic on Township and State roads.
- c. The applicant shall demonstrate compliance with applicable state and/or federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit or mitigation plan to PA DEP and/or US Army Corps of Engineers or successive agencies, a copy of all such documentation shall be submitted to Elizabeth Township by the applicant.

2. Special Provisions for Conservation of Historic Resources

Historic resources shall be preserved to the greatest degree practicable, through incorporation into development plans and design, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features. Applicants are encouraged to contact the local historic preservation agency, if any, for information regarding historic resources.

F. Open Space Designation and Management Standards

1. General Standards for Open Space Designation

- a. Areas designated as restricted open space shall be consistent with the goals and strategies of the Elizabeth Township Comprehensive Plan. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the following resources to the greatest extent practicable.
  - 1) Prime agricultural soils.
  - 2) Scenic views from public roads and neighboring residential properties.
  - 3) Mature trees and woodland tree masses, hedgerows, native flowering trees and shrubs, fence rows, rock outcroppings, steep slopes (in excess of 25%) and other noted landscape features.
  - 4) Lands adjoining and within 150 feet of any historic structure listed on the National Registration of Historic Places.

- b. Within the designated restricted open space area, the total area of all areas comprised of the Flood Plain District, wetlands, and slopes in excess of 25% shall not exceed 15% of the gross tract area.
- c. No portion of the designated restricted open space shall be measured as contributing to the minimum required restricted open space area where it is:
  - 1) Within 25 feet of any structure except structures devoted to permitted open space uses.
  - 2) Extending less than 100 feet in the narrowest dimension at any point.
  - 3) Storm water management facilities. At the discretion of the Zoning Hearing Board, areas devoted to storm water management facilities may be included within the minimum required restricted open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:
    - a). Promote recharge of the groundwater system.
    - b). Be available and appropriate for active or passive recreational use or scenic enjoyment.
    - c). Otherwise conform to the purposes, standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to: 1) blend into the scenic landscape; 2) permit passive recreational use over the top of it; while 3) providing a relatively large linear area for seepage of storm water into the groundwater system.

- d. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, storm water management, and/or water supply facilities may be located entirely or partially within restricted open space areas. Where such facilities are so located, maintenance agreements and easements satisfactory to the Board of Supervisors shall be established to require and enable maintenance of such facilities by the appropriate parties.
- e. Areas designated for open space purposes may be used for any of the following:
  - 1) Crop or pasture land, subject to submission of conversation plan approved by the Lancaster County Conservation District.
  - 2) Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area.
  - 3) Pubic, common, or private park or outdoor recreation area.

- 4) Sewage disposal facilities provided that the Board of Supervisors is satisfied that adequate provision(s) for the long-term management and maintenance of the facilities are guaranteed.
  - 5) Parking for the exclusive use of individuals using recreational areas within the required open space where deemed appropriate by the Zoning Hearing Board.
- f. Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
  - g. Where deemed appropriate by the Zoning Hearing Board, open space areas shall be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.
  - h. Where a residential conservation subdivision is planned to occur in two or more development phases, a proportionate amount of designated restricted open space and required parking shall be permanently recorded with each phase.

2. Standards for Ownership of Restricted Open Space

Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Lancaster County. Subject to such permanent restrictions, restricted open space land in any residential conservation subdivision may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or may remain in private ownership.

a. Offer of Dedication

The Township may, but shall not be required to, accept dedication in the form of fee simple ownership of restricted open space land provided:

- 1) Such land is accessible to the residents of the Township.
- 2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees.
- 3) The Township agrees to and has access to maintain such lands.

Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The

amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.

b. Homeowners' Association

The restricted open space land and associated facilities may be held in common ownership by a Homeowners' Association through the use of a Declaration and other documents approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The Association shall be formed and operated under the following provisions.

- 1) The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.
- 2) The Association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- 3) Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
- 4) The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the Township that may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- 5) The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).



- 6) In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
- 7) The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
- 8) The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
  - a). That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow).
  - b). That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance.
  - c). That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.
- 9) The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Lancaster County within 30 days of their execution and a copy of the recorded lease shall be filed with the Township Zoning Officer.
- 10) Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

c. Condominiums

The restricted open space land and associated facilities may be held in common through the use of Condominium Declaration and other documents, approved by the Board of Supervisors. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Section 444.F.2.b above, set forth for Homeowners' Associations. Condominium

agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

d. Dedication of Easements

The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

- 1) Such land is accessible to Township residents.
- 2) There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance.
- 3) A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Township.

e. Transfer of Easements to a Private Conservation Organization

With the permission of the Township, an owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- 1) The organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence.
- 2) The conveyance contains appropriate provision for proper reverter or transfer in the event that organization becomes unwilling or unable to continue carrying out its functions.
- 3) A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.

f. Private Ownership of Restricted Open Space

- 1) Restricted open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
- 2) All or portions of the designated restricted open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

3. Required Open Space Management Plan

- a. All residential conservation subdivision plans shall be accompanied by a conceptual plan for the long-term management of the restricted open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the restricted open space will be owned and by whom it will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices which will be used to conserve plan(s) approved by the Lancaster County Conservation District where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the restricted open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the residential conservation subdivision plan by the Zoning Hearing Board.
- b. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the Preliminary Subdivision and Land Development Plan. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Lancaster County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Zoning Hearing Board, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors. The Zoning Hearing Board's approval of such application shall not be unreasonably withheld or delayed.

4. Open Space Performance Bond

- a. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under the governing subdivision and land development ordinance.
- b. An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.

**SECTION 444 RETAIL SALE OF NURSERY AND GARDEN MATERIALS**

Retail sales of nursery and garden materials are subject to the following criteria:

- A. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display area for these items shall not exceed twenty-five (25) percent of the total gross display and sales area on the subject property.
- B. All outdoor display areas shall be setback at least twenty-five (25) feet from the street right-of-way line.
- C. All structural improvements (including parking and loading facilities, but not including a freestanding sign) shall be screened from adjoining residentially occupied or residentially zoned properties.
- D. One (1) freestanding or attached sign may be permitted advertising the business. Such sign shall not exceed thirty-two (32) square feet in size and must be setback at least ten (10) feet from all lot lines.
- E. All greenhouses and nurseries that do not have vehicular access to an arterial or collector road, as identified in Section 316, shall be further restricted, as follows:
  - 1. Maximum lot area shall be two (2) acres.
  - 2. Maximum building area devoted to retail sales shall be 10,000 square feet.

#### **SECTION 445 RIDING SCHOOL, HORSE BOARDING STABLE AND RIDING CLUB**

Riding schools, horse boarding stables and riding clubs are subject to the following criteria:

- A. Minimum lot area - A minimum lot size of one (1) acre per one and one-half (1 1/2) animals maintained shall be provided if the total lot area is less than ten (10) acres. No restriction on number of animals on lots of ten (10) acres or more.
- B. No stable shall be located less than fifty (50) feet from any lot line, nor closer than one hundred (100) feet from the nearest existing dwelling, other than that of the owner.
- C. All stables shall be maintained so to minimize odors perceptible at the property line. All animal wastes shall be properly stored and disposed of in accordance with the Pennsylvania Nutrient Management Act.
- D. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least five (5) feet from all property lines. Pasture fences may be located on property lines.
- E. All parking compounds and unimproved overflow parking areas shall be setback at least (five (5) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a barricade delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.
- F. No manure storage facility or area shall be established closer than one hundred (100) feet to any property line.
- G. One sign shall be permitted which shall not be greater than thirty-two (32) square feet in area.

- H. Adequate off-street parking shall be provided in accordance with requirements of Section 313.
- I. Retail sales of food and horse-related items shall be limited to maximum of one thousand (1,000) square feet of publicly used area.
- J. In addition to the above, the following shall apply to Riding Clubs:
  - 1. Minimum lot area - Five (5) acres.
  - 2. All outdoor training and show rings shall be setback at least one hundred (100) feet from all lot lines and roads.
  - 3. Lighting shall be arranged so as not to adversely impact neighboring residential properties.

### **SECTION 446 SALVAGE-YARD**

Salvage or recycling yards, excluding junkyards, are subject to the following criteria:

- A. Minimum lot area - Ten (10) acres.
- B. No material may be stored or stacked so that it is visible from adjoining properties and roads.
- C. Recycling of paper, glass, plastic, rubber and metal products is subject to the following criteria:
  - 1. All operations shall be conducted within a wholly enclosed building.
  - 2. There shall be no outdoor storage of paper materials used, or generated, by the operation.
  - 3. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust and litter.
  - 4. The applicant will assure regular maintenance of the site to assure the immediate collection of stray debris.
- D. All additional Federal and State laws shall be satisfied.
- E. All salvage or recycled materials shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8) feet.
- F. No oil, grease, tires, gasoline, or other similar material shall be burned at any time.
- G. Any salvage or recycling yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vectors.
- H. No salvage or recycling yard shall be located on land with a slope in excess of five (5%) percent.

- I. No salvage or recycling yard shall operate without a Certificate of Use, which shall be issued for a period of one (1) year, and shall be subject to annual renewal with the cost of such permit to be determined by resolution of the Board of Supervisors.

## **SECTION 447 SHOPPING CENTERS**

Shopping centers are subject to the following:

- A. The subject property shall front on an arterial or collector road, as identified in Section 316, and all access drives shall be setback at least two hundred (200) feet from the intersection of any street right-of-way lines.
- B. The minimum lot size shall be three (3) acres.
- C. The minimum lot width shall be two hundred (200) feet.
- D. A minimum of 5.5 off-street parking spaces shall be provided for each one thousand (1000) square feet of gross leasable floor area. This parking requirement is also subject to the permitted reduction described in Section 313 of this Ordinance.
- E. Both public sewer and public water shall be utilized.
- F. Maximum building coverage - Twenty-five (25%) percent.
- G. Maximum lot coverage - Sixty-five (65%) percent.
- H. Minimum landscaped area - Thirty (30%) percent.
- I. A traffic study shall be submitted by the applicant concerning the adequacy of the existing and/or proposed road systems to accommodate increased traffic from the shopping center development. Such study shall be prepared in sufficient detail to determine peak traffic volumes and road capacity and shall provide solutions to resulting traffic congestion.
- J. The shopping center shall be permitted to erect one planned center sign along each of the center's frontages. At least fifty (50%) percent of the total sign area shall be devoted to advertisement of the shopping center's name. The size of such sign shall not exceed one (1) square foot for each four (4) feet of frontage contained within the shopping center. In no case shall a planned center sign exceed a maximum size of two hundred (200) square feet nor an overall height of twenty (20) feet. In addition, individual uses within the shopping center may have signs; however, such signs shall be flat wall, wall projecting, or roof signs as defined in Section 314.B.2.) of this Ordinance.

## **SECTION 448 SEPTAGE AND/OR SOLID WASTE DISPOSAL AND PROCESSING FACILITIES**

Septage and/or solid waste disposal and processing facilities are subject to the following criteria:

- A. Any processing of septage and/or solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.

- B. No refuse shall be deposited or stored, and no building or structure shall be located within five hundred feet (500) of any property line.
- C. Any external area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight (8) foot-high fence, with no openings greater than two (2) inches in any direction.
- D. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- E. The use shall be screened from all roads and adjoining properties.
- F. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
- G. All driveways onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, a fifty (50) foot-long gravel section of driveway should be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- H. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- I. Hazardous waste as defined by the PA DEP shall not be disposed of within the proposed area.
- J. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the clean up of litter shall be submitted to the Township.
- K. The unloading, processing, transfer and deposition of septage and/or solid waste shall be continuously supervised by a qualified facility operator.
- L. Any waste that cannot be used in any disposal process/or material that is to be recycled shall be stored in leak- and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed building.
- M. All storage of septage and/or solid waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property that is needed to keep the facility in constant operation; but in no event for more than seventy-two (72) hours.
- N. A contingency plan for the disposal of septage and/or solid waste during a facility shutdown shall be submitted to the Township.
- O. Leachate from the septage and/or solid waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pretreatment shall be required and appropriate

permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.

- P. All structures shall be setback at least a distance equal to their height.
- Q. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township engineer.

A water system that does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the Township.

A water feasibility study shall include the following information:

1. calculations of the projected water needs.
  2. a geologic map of the area with a radius of at least one mile from the site.
  3. the location of all existing and proposed wells within 1000 feet of the site, with a notation of the capacity of all high-yield wells.
  4. the location of all existing on-lot sewage disposal systems within 1000 feet of the site.
  5. the location of all streams within 1000 feet of the site and all known point sources of pollution.
  6. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  7. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  8. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- R. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. The traffic analysis shall be prepared by a registered Professional Engineer. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.



- S. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

#### **SECTION 449 SPENT MUSHROOM COMPOST PROCESSING AND/OR COMMERCIAL MUSHROOM OPERATIONS**

Spent mushroom compost processing and/or commercial mushroom operations are permitted by conditional use subject to the following criteria:

- A. Any processing, loading, storage and packaging operations must be conducted within a wholly enclosed building that is leak proof and vector proof.
- B. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
- C. The use shall be screened from all roads and adjoining properties.
- D. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighted or loaded/unloaded will not back-up onto public roads.
- E. All driveways onto the site must be paved for a distance of at least one hundred (100) feet from the street right-of-way line. In addition, a fifty (50) foot-long gravel section of driveway should be placed just beyond the preceding one-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- F. The unloading, processing and transfer, of spent mushroom compost shall be continuously supervised by a qualified facility operator.
- G. Leachate from the spent mushroom compost shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Department of Environmental Protection's regulations.
- H. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study will be provided to enable the Township to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility shall be reviewed by the Township engineer.

A water system that does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the Township.

A water feasibility study shall include the following information:

1. calculations of the projected water needs.
  2. a geologic map of the area with a radius of at least one mile from the site.
  3. the location of all existing and proposed wells within 1000 feet of the site and all known point sources of pollution.
  4. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
  5. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table.
  6. a statement of the qualifications and the signature(s) of the person(s) preparing the study.
- I. A minimum one-hundred-foot-wide landscape strip shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.
- J. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. The traffic analysis shall be prepared by a registered Professional Engineer. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through-movement on the existing road.
- K. Any structure used for the storage, loading, processing and/or packaging of spent mushroom compost shall be setback at least 100 feet from all property lines, and 500 feet from any residentially zoned properties. In addition, any ventilation outlets must be oriented away from any land within an adjoining residential zone.

## **SECTION 450 TAVERNS**

Taverns and cocktail lounges are subject to the following criteria:

- A. The subject property shall be screened from any adjoining residentially occupied or residentially zoned land, in accordance with the requirements of Section 317.
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and/or litter.
- C. The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the building.

## **SECTION 451 TRUCK OR MOTOR FREIGHT TERMINAL**

The applicant for a truck or motor freight terminal shall furnish a traffic study prepared by a professional traffic engineer with the following minimum considerations:

- A. A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning references.
- B. Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersection within the impact area.
- C. Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and including typical a.m. and p.m. peak periods.
- D. Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the projections of increased traffic volumes within the traffic impact area, to be determined by: an extrapolation of former development trends; and, the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
- E. Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
- F. Capacity/level of service analysis on major intersections that will be impacted by the additional volumes generated by the development.
- G. Recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
- H. Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.
- I. Cost estimates of any proposed improvements that will be required.
- J. Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.
- K. Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the transportation network.
- L. The source of standards used in the data as presented.
- M. The applicant shall make any improvements necessary to maintain an adequate level of service on all abutting intersections and streets.
- N. If the traffic study shows that adequate levels of service are maintained on all abutting intersections and streets without developer-provided improvements, the applicant shall contribute funds to provide for capital improvements to the abutting streets and intersections within the immediate area based upon the increase in traffic projected as a result of the development, and the cost of reasonably necessary improvements to the abutting streets and intersections within the immediate area, including traffic signals.

## **SECTION 452 TWO-FAMILY CONVERSIONS**

A detached single-family dwelling may be converted into two dwelling units subject to the following:

- A. Minimum lot area - as required by the applicable zone regulations.
- B. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized.
- C. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
- D. All floors above-grade shall have direct means of escape to ground level.
- E. Four (4) off-street parking spaces shall be provided.
- F. The applicant shall obtain any required land development approvals.

#### **SECTION 453 WAREHOUSING AND WHOLESALING TRADE ESTABLISHMENTS**

The applicant for a warehousing or wholesale trade establishment 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.
- 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. 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.
- D. Expected traffic impacts (number of total vehicle trips per day, peak hour trips, breakdown of trips by vehicle size, trip distribution, effects on existing volumes of nearby corridors and intersections serving traffic generated by the proposed use) and any measures or improvements that will be used to assure an acceptable level of service.

#### **SECTION 454 ROADSIDE STANDS**

Roadside stands for the sale of agricultural products grown on the site, subject to the following:

- 1. Any structure used to display such goods shall be less than six hundred (600) square feet in size, be located at least fifty (50) feet from any side or rear property line and have a maximum height of fifteen (15) feet.
- 2. The structure shall be set back at least twenty (20) feet from the street right-of-way and obstructions to vision (See Section 311).
- 3. Off-street parking shall be provided for all employees and customers.

4. The total area of all signs shall not exceed sixty-four (64) square feet (total all sides).
5. Up to fifty (50) percent of the produce sold can be grown at a location other than the site of the roadside stand.

## **ARTICLE 5 NONCONFORMITIES**

### **SECTION 500 CONTINUATION**

Except as otherwise provided in this section, any use, building, or structure existing at the time of enactment of this Ordinance may be continued, although it is not in conformity with the regulations specified by this Ordinance.

### **SECTION 501 ABANDONMENT**

If a nonconforming use of land or of a building or structure, other than for farming purposes, ceases or is discontinued for a continuous period of one (1) year or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

### **SECTION 502 EXPANSION OF A NONCONFORMING USE OF LAND**

Any lawful nonconforming use of land exclusive of buildings and structures and the use contained therein, may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 604.C: Such expansion shall not exceed an area equal to fifty percent (50%) of the area of the land devoted to the nonconforming use it existed on the date which such use of land first became nonconforming. Expansion of the nonconformity shall be confined to the lot on which it was located on the date which such use of land first became nonconforming. All expansions of nonconforming uses of land shall conform to area and lot regulations and to the design standards of this Ordinance. The applicant shall furnish conclusive evidence as to the extent of the nonconforming use of land when it was created.

### **SECTION 503 EXPANSION OR ALTERATION**

- A. A structure which is located within the required front yard area of the Zone in which it is located is permitted by right to expand by up to fifty percent (50%) of the area of the existing structure provided that (a) the expanded part of the structure will not extend nearer to the street than that part of the existing structure which is nearest to the street; (b) the minimum side yard and rear yard areas of the Zone are complied with; and (c) the use of the structure is a permitted use in the Zone in which it is located.
- B. Any nonconforming use may be expanded or altered through the obtainment of a special exception and subject to the following criteria, and those contained in Section 604.C:
  - 1. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
  - 2. The total of all such expansions or alterations of use shall not exceed an additional to fifty percent (50%) of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings or structures first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
  - 3. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.

4. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
  5. Appearance should be harmonious with surrounding properties; this feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
  6. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
  7. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
  8. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain Zone; and,
  9. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Zone shall be permitted when either elevated above the base flood elevation or floodproofed in accordance with the requirements described in Section 211 of this Ordinance. In no case, shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.
- C. Any dimensional nonconformity may be reduced by permitted use. No extension or enlargement of a dimensional nonconformity shall be permitted.

#### **SECTION 504 SUBSTITUTION OR REPLACEMENT**

Once a conforming use is established, no nonconforming use shall be permitted in the future. The Zoning Hearing Board may, by special exception, permit the substitution of one nonconforming use for an existing nonconforming use in accordance with the following criteria and limitations:

- A. The use proposed to be substituted shall be permitted (i) by right or special exception in the district in which the existing nonconforming use would be permitted by right or special exception or (ii) by right or special exception in a more restrictive district than a district in which the existing nonconforming use would be permitted by right or special exception. For the purposes of the subsection, the following sequence shall be used to determine which district is more restrictive, with the most restrictive district being first named: R-1 Suburban Residential Zone (R-1), R-2 Village Residential Zone (R-2), Conservation Zone (C), Agricultural Zone (A), Rural Zone, Village Commercial Zone (VC), Highway Commercial Zone (HC), Limited Industrial Zone (LI), and Industrial Zone (I).
- B. The proposed use to be substituted shall not generate more traffic than the existing nonconforming use.

- C. The proposed use to be substituted, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
- D. The proposed use to be substituted shall not generate higher levels of noise, smoke, glare or other potential nuisance conditions or safety hazards beyond the boundaries of the property than the existing nonconforming use.
- E. The proposed use to be substituted shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.
- F. The existing nonconforming use shall be completely abandoned.

**SECTION 505 RESTORATION**

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause may be reconstructed in the same location, provided that:

- A. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformities.
- B. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

**SECTION 506 NONCONFORMING LOTS**

- A. Any nonconforming lot of record existing as of the effective date of this Ordinance or any amendment thereto which rendered such lot nonconforming may be developed for any use permitted in the district in which the nonconforming lot is located, provided that such development complies with all setback, coverage, bulk, height and other requirements.
- B. No non-conforming lot of record containing any of the following characteristics may be issued a permit for construction without receiving a special exception from the Zoning Hearing Board:
  - 1. The lot is less than twenty-one thousand seven hundred eighty (21,780) square feet in size;
  - 2. Any portion of the lot contains slopes greater than or equal to fifteen (15) percent;
  - 3. Any portion of the lot contains or is traversed by water courses, floodplain, or regulated wetlands.
  - 4. The lot does not contain suitable areas for an initial and a replacement septic system absorption area.
- C. If any of the above conditions apply, the applicant shall submit an application for a special exception which contains a plot plan drawn to a suitable engineering scale accurately showing the location of all proposed improvements, initial and replacement septic systems, well, natural or man-made features, including topography drawn to two (2) foot contour intervals. The plot plan shall also include proposed finished grading for all proposed improvements.



- D. The Zoning Hearing Board shall, when considering said application, determine whether or not the proposed construction upon or use of the lot will endanger the health, safety or welfare of the future occupants of the lot or others, including, but not limited to, interference with neighboring wells by the proposed well or septic system(s), or the diversion or concentration of storm water that may harm the properties of others.

#### **SECTION 507 PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES**

It is the express intent and purpose of this Ordinance that if a building, structure, sign or land was expanded or extended to the limits of expansion for a nonconforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized. In the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or Ordinance, additional expansion if permitted by this Ordinance, shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.